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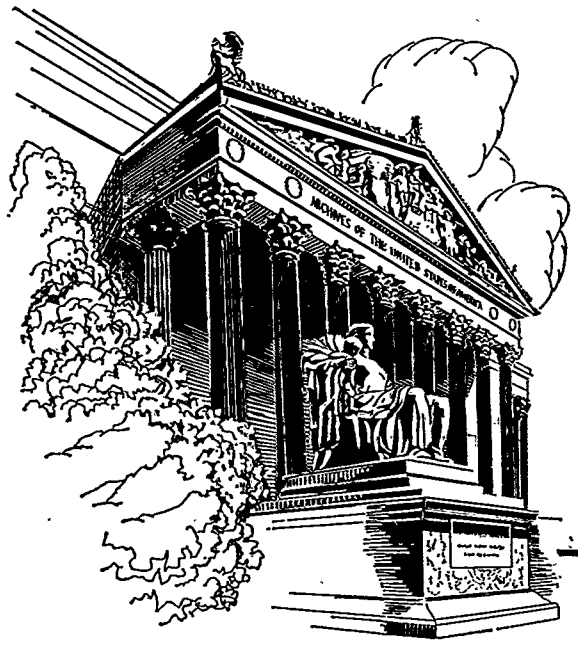

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(Codification Guide)

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A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1967, and specifies how they are affected.

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Title 3—THE PRESIDENT

Reorganization Plan No. 1 of 1967

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, February 27, 1967, pursuant to the provisions of chapter 9 of title 5 of the United States Code.[1]

CERTAIN FUNCTIONS RELATING TO SHIP MORTGAGES

SECTION 1. *Transfer of functions.* The functions which are now vested in the Secretary of Commerce relating to the approval of the surrender of the documents of a vessel pursuant to subsections B(4) and O(a) of the Ship Mortgage Act, 1920, as amended (46 U.S.C. 911(4) and 961(a)), are hereby transferred to the Secretary of Transportation.

SEC. 2. *Incidental transfers.* (a) So much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds employed, used, held, available, or to be made available in connection with the functions transferred by this reorganization plan as the Director of the Bureau of the Budget shall determine shall be transferred to the Department of Transportation at such time or times as the Director shall direct.

(b) Such further measures and dispositions as the Director of the Bureau of the Budget shall deem to be necessary in order to effectuate the transfers provided for in subsection (a) of this section shall be carried out in such manner as he shall direct and by such agencies as he shall designate.

[F.R. Doc. 67-5274; Filed, May 9, 1967; 8:50 a.m.]

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[1] Effective May 9, 1967, under the provisions of and pursuant to 5 U.S.C. 906 (80 Stat. 396).

Rules and Regulations

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS AND ANIMAL PRODUCTS

PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), NEWCASTLE DISEASE (AVIAN PNEUMOENCEPHALITIS), AND AFRICAN SWINE FEVER: PROHIBITED AND RESTRICTED IMPORTATIONS

Requirements for Pork and Pork Products From Countries Where African Swine Fever Exists

Pursuant to the provisions of section 2 of the Act of February 2, 1903, as amended (21 U.S.C. 111), paragraph (a) of § 94.8, Part 94, Title 9, Code of Federal Regulations, is hereby amended to read as follows:

§ 94.8 Pork and pork products from countries where African swine fever exists.

* * * * * *

(a) No pork or pork product will be permitted entry into the United States from any country where African swine fever exists unless:

(1) Such pork or pork product has been fully cooked in a can which was promptly sealed so that such cooking and sealing produced a fully sterilized product in a hermetically sealed can that is shelf stable without refrigeration; or

(2) Such pork or pork product is not otherwise prohibited importation under this part and is consigned directly from the port of entry in the United States to a meat processing establishment operating under Federal meat inspection, approved by the Director of the Animal Health Division for further processing of such pork or pork product by heat.

* * * * * *

African swine fever is widespread in countries of Africa and is increasing in incidence in countries of Europe. The effect of the foregoing amendment is to strengthen the restrictions upon the importation into the United States of pork and pork products from countries where that disease exists. Protection of the livestock of the United States demands that this amendment be made effective promptly. Accordingly, it is found that notice and other public procedure concerning this amendment are impracticable and contrary to the public interest and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

This amendment shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 2, 32 Stat. 792, as amended; 21 U.S.C. 111; 29 F.R. 16210, as amended, 30 F.R. 5801, as amended)

Done at Washington, D.C., this 4th day of May 1967.

F. J. MULHERN,
Acting Deputy Administrator, Agricultural Research Service.

[F.R. Doc. 67-5193; Filed, May 9, 1967; 8:46 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 8015; Amdt. 39-414]

PART 39—AIRWORTHINESS DIRECTIVES

Allison-Aero Products Models A6441FN-606, A6441FN-606A Propellers

Amendment 39-400 (32 F.R. 5921), AD 67-12-1, requires daily inspection, or replacement where necessary, of Allison-Aero Products Models A6441FN-606 and A6441FN-606A propellers in which were installed fixed splines Part Number 6522974, Serial Number 1367 and up. Subsequent to the issuance thereof, it has come to the attention of the FAA that certain fixed splines bearing Part Numbers 6523110 and 6509978, which are of the original configuration, are still in service and have experienced failures which have precipitated propeller overspeeds.

Pursuant to the authority delegated to me by the Administrator, an amendment to AD 67-12-1 was adopted on May 1, 1967, and made effective immediately, by telegram, as to all known operators of the aforementioned Allison-Aero Products Models propellers, revising Paragraph (a) of the AD to include Part Numbers 6523110 and 6509978.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impractical and contrary to the public interest and good cause existed for making the amendment to the AD effective immediately as to all known operators of the propellers. These conditions still exist and the revision to the AD is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

In view of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-400 (32 F.R. 5921), AD 67-12-1, is amended as follows:

Revise Paragraph (a) so that it now reads as follows:

(a) Within the next 10 hours' time in service, unless already accomplished, each propeller in which is installed a fixed spline Part Numbers 6523110, or 6509978, or Part Number 6522974, Serial Number 1367 and up, must be inspected and marked as required by Allison telegram THO-641W-LOD, dated April 7, 1967, as modified by Allison telegram THO-662W-LOD, dated April 10, 1967. Thereafter, repetitive daily inspections are required as specified in those telegrams.

This amendment becomes effective May 10, 1967, for all persons except those to whom it was made effective by telegram dated May 1, 1967.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, 1423)

Issued in Kansas City, Mo., on May 2, 1967.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 67-5187; Filed, May 9, 1967; 8:45 a.m.]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Docket No. R-321; Order 344]

PART 260—STATEMENTS AND REPORTS (SCHEDULES)

Reports by Natural Gas Companies of Curtailments of Service to Industrial Customers

MAY 2, 1967.

The schedule "Curtailments of Main Line Industrial Customers" required to be filed by natural gas pipeline companies as a supplement to their Annual Report FPC Form No. 2 requires the reporting of curtailments, the average daily delivery during the system 3-day peak period, and the maximum 24-hour delivery during the year to such customers.[1]

Our review and analysis of the information supplied in the initial submission of these reports discloses that the following revisions of the existing schedule are desirable.

1. Schedule 520A[2a] now requires the reporting, in columns (e) and (f), of

[1] The schedule was prescribed for inclusion in Form No. 2 by Order No. 300 in Docket No. R-243, issued June 24, 1965, 33 FPC 1286, 30 F.R. 8831, amended by Order No. 300-A, issud Mar. 30, 1966, 35 FPC ------, 31 F.R. 5428.

[2a] Schedule filed as part of the original document.

the maximum 24-hour delivery made to each main line industrial customer during the year. In view of the claims by many companies that the review of their daily sales records required to obtain these peak deliveries is both time-consuming and a cost burden, and in light of the fact that the primary utility of the information would have been in connection with a method of cost allocation no longer under consideration, we have decided to eliminate the reporting of this information.

2. The information supplied in this schedule covers a report year which ends on each April 30 but because the data for the last month (April) is often not available until the date (May 15) the report is now required to be submitted, we are revising Instruction 7. to change the filing date to June 15.

3. We have found, also, that the requirement, in Instruction 1., to report in group totals the curtailment of small customers (less than 50,000 Mcf annually) can be deleted. Many companies have large numbers of such customers and their small size does not warrant daily metering so they were unable to supply the data. We find that the absence of this information has no appreciable effect on the usefulness of the report.

These three changes should reduce substantially the reporting burden, a result clearly in the public interest.

4. The schedule, pages 519–520 of FPC Form No. 2, was revised beginning with the report year 1966, to provide for the reporting of "Field and Main Line Industrial Sales of Natural Gas".[2b] Since the Schedule 520A supplements the schedule on pages 519–520 and, at the suggestion of some of the reporting companies, we are revising it to conform to the revision of the basic schedule by the addition of the words "Field and" to both the title and instruction paragraph 1. of the schedule.

The change is not only conformatory but clarifying, as well. Instruction 1. in the supplemental schedule 520A directs, in part, that

> 1. The pipeline company shall report below particulars concerning curtailments of deliveries of natural gas to each customer identified in the preceding schedule * * *

i.e., the schedule on pages 519–520 of Form No. 2 which, in Instruction 1., states, in pertinent part:

> 1. Report below particulars concerning sales of natural gas to industrial customers served other than from local distribution systems operated by the respondent.

Thus the revision here adopted makes it clear that curtailments of service to all industrial customers except those served from distribution lines are to be reported.

[2b] Order No. 310–B, issued Dec. 22, 1966, in Docket No. R–283, 36 FPC ------, 31 F.R. 16562.

The Commission finds:

(1) It is necessary and appropriate for the administration of the Natural Gas Act that the supplementary schedule "Curtailments of Main Line Industrial Customers," page 520A of FPC Form No. 2, be revised as ordered herein.

(2) Since the amendments to the schedule ordered herein involve either a reduction in the reporting requirements or are of a clarifying nature and the information contained therein is not generally available to the public,[3] the notice and effective date requirements of section 4 of the Administrative Procedure Act are not applicable.

The Commission, acting pursuant to the provisions of the Natural Gas Act, as amended, particularly sections 10 and 16 thereof (52 Stat. 826, 830; 15 U.S.C. 717i, 717o), orders:

(A) Effective upon the issuance of this order, FPC Form No. 2, prescribed by § 260.1, Chapter I, Title 18 of the Code of Federal Regulations, is amended by revising the supplementary Schedule 520A thereto as follows:

1. The title is revised to read "Curtailments of Field and Main Line Industrial Customers".

2. In instruction paragraph 1., the matter in parenthesis is revised to read "(Field and Main Line Industrial Sales of Natural Gas)", and the third sentence, "Curtailments * * * by States.", is deleted.

3. Instruction paragraph 2. is revised to read:

> 2. All volumes should be stated in Mcf at 14.73 p.s.i.a., 60° F.

4. Instruction paragraph 3. is revised by changing "(d), (e), and (g)." to "(d) and (e),".

5. Instruction paragraph 5. is revised by changing "column (g)" to "column (e)".

6. Instruction paragraph 6. is revised by changing "column (h)" to "column (f)" and deleting the last sentence thereof.

7. Instruction paragraph 7. is revised by changing "May 15" to "June 15".

8. The heading to and columns (e) and (f) are deleted and columns (g) and (h) are redesignated "(e)" and "(f)", respectively.

The schedule, as so revised, is appended hereto.

(Secs. 10, 16, 52 Stat. 826, 830; 15 U.S.C. 717i, 717o)

(B) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 67–5212; Filed, May 9, 1967; 8:47 a.m.]

[3] See ordering clause (A) of Order No. 300–A, supra, note 1.

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 177—ADMINISTRATIVE CLAIMS UNDER FEDERAL TORT CLAIMS ACT

Pursuant to the Federal Tort Claims Act, as amended, 28 U.S.C. 2671–2680, and Title 28, Chapter I, Part 14 of the Code of Federal Regulations (31 F.R. 16616), Part 177 is added to Title 5 of the Code of Federal Regulations as set out below.

Sec.
177.101 Scope of regulations.
177.102 Administrative claim; when presented; appropriate Commission office.
177.103 Administrative claim; who may file.
177.104 Investigations.
177.105 Administrative claim; evidence and information to be submitted.
177.106 Authority to adjust, determine, compromise, and settle.
177.107 Limitations on authority.
177.108 Referral to Department of Justice.
177.109 Final denial of claim.
177.110 Action on approved claim.

AUTHORITY: The provisions of this Part 177 issued under 28 U.S.C. 2672; 28 CFR 14.11.

§ 177.101 Scope of regulations.

This part applies only to claims asserted under the Federal Tort Claims Act, as amended, accruing on or after January 18, 1967, for money damages against the United States for injury to or loss of property or personal injury or death caused by the negligent or wrongful act or omission of an officer or employee of the Commission (referred to in this part as an "employee") while acting within the scope of his office or employment.

§ 177.102 Administrative claim; when presented; appropriate Commission office.

(a) For the purpose of this part, a claim is deemed to have been presented when the Commission receives, at a place designated in paragraph (b) or (c) of this section, an executed "Claim for Damage or Injury", Standard Form 95, or other written notification of an incident, accompanied by a claim for money damages in a sum certain for injury to or loss of property, for personal injury, or for death alleged to have occurred by reason of the incident. A claim which should have been presented to the Commission, but which was mistakenly addressed to or filed with another Federal agency, is deemed to be presented to the Commission as of the date that the claim is received by the Commission. If a claim is mistakenly addressed to or filed with the Commission, the Commission shall forthwith transfer it to the appropriate Federal agency, if ascertainable, or return it to the claimant.

(b) Except as provided in paragraph (c)(1) of this section, a claimant shall mail or deliver his claim to the Office of

the General Counsel, U.S. Civil Service Commission, 1900 E Street NW., Washington, D.C. 20415.

(c) (1) When a claim is for $200 or less and does not involve a personal injury, the claimant shall mail or deliver it to the Director of the Commission's Regional Office in which the Commission employee whose negligence or wrongful act or omission is alleged to have caused the loss or injury complained of is employed. In these cases, the address of the appropriate Regional Director is one of the following:

Atlanta Region—Atlanta Merchandise Mart, 240 Peachtree Street NW., Atlanta, Ga. 30303.
Boston Region—Post Office and Courthouse Building, Boston, Mass. 02109.
Chicago Region—Main Post Office Building, 433 West Van Buren Street, Chicago, Ill. 60607.
Dallas Region—1114 Commerce Street, Dallas, Tex. 75202.
Denver Region—Building 20, Denver Federal Center, Denver, Colo. 80225.
New York Region—News Building, 220 East 42d Street, New York, N.Y. 10017.
Philadelphia Region—Customhouse, Second and Chestnut Streets, Philadelphia, Pa. 19106.
St. Louis Region—1256 Federal Building, 1520 Market Street, St. Louis, Mo. 63103.
San Francisco Region—Federal Building, Box 36010, 450 Golden Gate Avenue, San Francisco, Calif. 94102.
Seattle Region—802 Federal Office Building, First Avenue and Madison Street, Seattle, Wash. 98104.

(2) If the Commission employee's office of employment is the Central Office of the Commission or is not known and not reasonably ascertainable, the claimant shall mail or deliver his claim to the Office of the General Counsel, United States Civil Service Commission, 1900 E Street NW., Washington, D.C. 20415.

§ 177.103 Administrative claim; who may file.

(a) A claim for injury to or loss of property may be presented by the owner of the property interest which is the subject of the claim, his authorized agent, or his legal representative.

(b) A claim for personal injury may be presented by the injured person, his authorized agent, or legal representative.

(c) A claim based on death may be presented by the executor or administrator of the decedent's estate or by any other person legally entitled to assert such a claim under applicable State law.

(d) A claim for loss wholly compensated by an insurer with the rights of a subrogee may be presented by the insurer. A claim for loss partially compensated by an insurer with the rights of a subrogee may be presented by the insurer or the insured individually, as their respective interests appear, or jointly. When an insurer presents a claim asserting the rights of a subrogee, he shall present with his claim appropriate evidence that he has the rights of a subrogee.

(e) A claim presented by an agent or legal representative shall be presented in the name of the claimant, be signed by the agent or legal representative, show the title or legal capacity of the person signing, and be accompanied by evidence of his authority to present a claim on behalf of the claimant as agent, executor, administrator, parent, guardian, or other representative.

§ 177.104 Investigations.

The Commission may investigate, or may request any other Federal agency to investigate, a claim filed under this part.

§ 177.105 Administrative claim; evidence and information to be submitted.

(a) *Death.* In support of a claim based on death, the claimant may be required to submit the following evidence or information:

(1) An authenticated death certificate or other competent evidence showing cause of death, date of death, and age of the decedent.

(2) Decedent's employment or occupation at time of death, including his monthly or yearly salary or earnings (if any), and the duration of his last employment or occupation.

(3) Full names, addresses, birth dates, kinship, and marital status of the decedent's survivors, including identification of those survivors who were dependent for support on the decedent at the time of his death.

(4) Degree of support afforded by the decedent to each survivor dependent on him for support at the time of his death.

(5) Decedent's general physical and mental condition before death.

(6) Itemized bills for medical and burial expenses incurred by reason of the incident causing death, or itemized receipts of payment for such expenses.

(7) If damages for pain and suffering before death are claimed, a physician's detailed statement specifying the injuries suffered, duration of pain and suffering, any drugs administered for pain, and the decedent's physical condition in the interval between injury and death.

(8) Any other evidence or information which may have a bearing on either the responsibility of the United States for the death or the amount of damages claimed.

(b) *Personal injury.* In support of a claim for personal injury, including pain and suffering, the claimant may be required to submit the following evidence or information:

(1) A written report by his attending physician or dentist setting forth the nature and extent of the injury, nature and extent of treatment, any degree of temporary or permanent disability, the prognosis, period of hospitalization, and any diminished earning capacity. In addition, the claimant may be required to submit to a physical or mental examination by a physician employed by the Commission or another Federal agency. The Commission shall make available to the claimant a copy of the report of the examining physician on written request by the claimant, if he has, on request, furnished the report referred to in the first sentence of this subparagraph and has made or agrees to make available to the Commission any other physician's reports previously or thereafter made of the physical or mental condition which is the subject matter of his claim.

(2) Itemized bills for medical, dental, and hospital expenses incurred, or itemized receipts of payment for such expenses.

(3) If the prognosis reveals the necessity for future treatment, a statement of expected expenses for such treatment.

(4) If a claim is made for loss of time from employment, a written statement from his employer showing actual time lost from employment, whether he is a full- or part-time employee, and wages or salary actually lost.

(5) If a claim is made for loss of income and the claimant is self-employed, documentary evidence showing the amount of earnings actually lost.

(6) Any other evidence or information which may have a bearing on either the responsibility of the United States for the personal injury or the damages claimed.

(c) *Property damage.* In support of a claim for injury to or loss of property, real or personal, the claimant may be required to submit the following evidence or information:

(1) Proof of ownership of the property interest which is the subject of the claim.

(2) A detailed statement of the amount claimed with respect to each item of property.

(3) An itemized receipt of payment for necessary repairs or itemized written estimates of the cost of such repairs.

(4) A statement listing date of purchase, purchase price, and salvage value, where repair is not economical.

(5) Any other evidence or information which may have a bearing on either the responsibility of the United States for the injury to or loss of property or the damages claimed.

§ 177.106 Authority to adjust, determine, compromise, and settle.

(a) The General Counsel of the Commission, or his designee, is delegated authority to consider, ascertain, adjust, determine, compromise, and settle claims under the provisions of section 2672 of title 28, United States Code and this part.

(b) Notwithstanding the delegation of authority in paragraph (a) of this section, a Regional Director is delegated authority, to be exercised in his discretion, to consider, ascertain, adjust, determine, compromise, and settle under the provisions of section 2672 of title 28, United States Code and this part any claim for $200 or less which is based on the alleged negligence or wrongful act or omission of an employee of his Region, except when:

(1) There are personal injuries to either Government personnel or individuals not employed by the Government; or

(2) All damage to Government property or to property being used for the Commission, or both, is more than $200, or all damage to non-Government property being used by individuals not employed by the Government is more than $200.

§ 177.107 Limitations on authority.

(a) An award, compromise, or settlement of a claim under this part in excess of $25,000 may be effected only with the

advance written approval of the Attorney General or his designee. For the purpose of this paragraph, a principal claim and any derivative or subrogated claim shall be treated as a single claim.

(b) An administrative claim may be adjusted, determined, compromised, or settled under this part only after consultation with the Department of Justice when, in the opinion of the General Counsel of the Commission, or his designee:

(1) A new precedent or a new point of law is involved; or

(2) A question of policy is or may be involved; or

(3) The United States is or may be entitled to indemnity or contribution from a third party and the Commission is unable to adjust the third party claim; or

(4) The compromise of a particular claim, as a practical matter, will or may control the disposition of a related claim in which the amount to be paid may exceed $25,000.

(c) An administrative claim may be adjusted, determined, compromised, or settled under this part only after consultation with the Department of Justice when the Commission is informed or is otherwise aware that the United States or an employee, agent, or cost-type contractor of the United States is involved in litigation based on a claim arising out of the same incident or transaction.

§ 177.108 Referral to Department of Justice.

(a) When Department of Justice approval or consultation is required under § 177.107, the referral or request shall be transmitted to the Department of Justice by the General Counsel of the Commission or his designee.

§ 177.109 Final denial of claim.

Final denial of an administrative claim under this part shall be in writing and sent to the claimant, his attorney, or legal representative by certified or registered mail. The notification of final denial may include a statement of the reasons for the denial and shall include a statement that, if the claimant is dissatisfied with the Commission action, he may file suit in an appropriate U.S. District Court not later than 6 months after the date of mailing of the notification.

§ 177.110 Action on approved claim.

(a) Payment of a claim approved under this part is contingent on claimant's execution of (1) a "Claim for Damage or Injury", Standard Form 95, (2) a claims settlement agreement, and (3) a "Voucher for Payment", Standard Form 1145, as appropriate. When a claimant is represented by an attorney, the voucher for payment shall designate both the claimant and his attorney as payees, and the check shall be delivered to the attorney, whose address shall appear on the voucher.

1967 and the determination of county

(b) Acceptance by the claimant, his agent, or legal representative, of an award, compromise, or settlement made under section 2672 or 2677 of title 28, United States Code, is final and conclusive on the claimant, his agent or legal representative, and any other person on whose behalf or for whose benefit the claim has been presented, and constitutes a complete release of any claim against the United States and against any employee of the Government whose act or omission gave rise to the claim, by reason of the same subject matter.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[F.R. Doc. 67-5231; Filed, May 9, 1967; 8:49 a.m.]

Title 46—SHIPPING

Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[General Order 77]

PART 247—OPERATORS' RESPONSIBILITIES WITH RESPECT TO GUARANTEE CLAUSE IN NEW SHIP CONSTRUCTION CONTRACTS

Revocation of Part

Part 247 (General Order 77, as amended) of this title and chapter is hereby revoked.

(Sec. 204, 49 Stat. 1987, as amended; 46 U.S.C. 1114)

By order of the Acting Maritime Administrator.

Dated: May 3, 1967.

JOHN M. O'CONNELL,
Assistant Secretary.

[F.R. Doc. 67-5189; Filed, May 9, 1967; 8:46 a.m.]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Moosehorn National Wildlife Refuge, Me.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

MAINE

MOOSEHORN NATIONAL WILDLIFE REFUGE

Public hunting of deer on the Moosehorn National Wildlife Refuge, Maine, is permitted, except on areas designated by signs as closed, during the State firearms season. This open area, comprising 21,000 acres, is delineated on maps available at refuge headquarters, Post Office Box X, Calais, Maine 04619 and from the Regional Director, Bureau of Sport Fisheries and Wildlife, U.S. Post Office and Courthouse, Boston, Mass. 02109. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuges areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 30, 1967.

RICHARD E. GRIFFITH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

MAY 1, 1967.

[F.R. Doc. 67-5180; Filed, May 9, 1967; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 730—RICE

Subpart—1967-68 Marketing Year

DETERMINATION OF COUNTY NORMAL YIELDS FOR 1967 CROP

The regulations contained in § 730.1808 are issued pursuant to and in conformity with the rice marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended. Section 301(b)(13), subparagraphs (D) and (F), of the Act provide definitions for county normal yields as follows:

(D) "Normal yield" for any county, in the case of rice * * *, shall be the average yield per acre of rice * * *, for the county during the 5 calendar years immediately preceding the year for which such normal yield is determined * * *, adjusted for abnormal weather conditions and for trends in yields. If for any such year data are not available, or there is no actual yield, an appraised yield for such year, determined in accordance with regulations issued by the Secretary, taking into consideration the yields obtained in surrounding counties during such year and the yield in years for which data are available, shall be used as the actual yield for such year.

* * * * *

(F) In applying subparagraphs (D) and (E), if on account of drought, flood, insect pests, plant disease, or other uncontrollable natural cause, the yield for any year of such 5-year period is less than 75 per centum of the average, 75 per centum of such average shall be substituted therefor in calculating the normal yield per acre. If, on account of abnormally favorable weather conditions, the yield for any year of such 5-year period is in excess of 125 per centum of the average, 125 per centum of such average shall be substituted therefor in calculating the normal yield per acre.

Prior to the issuance of the regulations for determining county normal yields for

1967 and the determination of county normal yields thereunder, public notice (31 F.R. 12952) was given in accordance with (5 U.S.C. 553). No data, views, or recommendations pertaining thereto were submitted pursuant to such notice. Since farmers will be harvesting rice in areas prior to the date that county normal yields would ordinarily become effective (30 days after publication in the FEDERAL REGISTER), it is hereby found that the proclamations and determinations herein shall become effective upon the date of filing of this document with the Director, Office of the Federal Register.

Section 730.1808 is issued to provide the regulations for determining county normal yields and to proclaim the yields for the 1967 crop of rice determined thereunder.

§ 730.1808 County normal yield for 1967 crop rice.

(a) *Regulations.* County normal yields for 1967 crop rice shall be determined by computing the average yield per harvested acre of rice for each county producing rice during the years 1962 through 1966, adjusted for abnormal weather conditions and other uncontrollable natural causes and for trends in yields. Where data for any year are not available, or there was no actual yield, an appraised yield for such year shall be determined on the basis of the yields obtained in surrounding counties during such year and the yield in years for which data are available. Adjustments for abnormal weather conditions and other uncontrollable natural causes shall be as follows: For any annual yield, including an appraised yield, which is less than 75 per centum of the 5-year (1962–66) average yield, 75 per centum of such average shall be substituted therefor; and for any annual yield, including an appraised yield, which is in excess of 125 per centum of the 5-year (1962–66) average yield, 125 per centum of such average shall be substituted therefor. The adjustment for trends in yields shall be made by adopting as the county normal yield the simple average of (1) the 1962–66 average yield per harvested acre of rice for the county, adjusted for abnormal weather conditions and other uncontrollable natural causes as provided in the preceding sentence, and (2) the 1965–66 average yield per harvested acre of rice for the county, similarly adjusted, except that no trend adjustment shall be made unless the 2-year adjusted average is higher than the 5-year adjusted average. Notwithstanding the adjustments as indicated above, no county normal yield shall be less than the unadjusted 5-year (1962–66) average yield.

(b) *Statistical data.* Section 301(c) of the Agricultural Adjustment Act of 1938, as amended, provides that "The latest available statistics of the Federal Government shall be used by the Secretary in making the determinations required to be made by the Secretary under this act." In accordance therewith, the annual yields of rice for counties in the States of Arkansas, California, Louisiana, Mississippi, Missouri, and Texas used in the determination of county normal yields in this section shall be the latest official yields determined by the Statistical Reporting Service of the Department, on the basis of its estimate of harvested acres and production of rice in applicable counties of those States during each of the years 1962 through 1966, except that if such a yield for any year is not available an appraised yield shall be used for such year. In the minor rice-producing States of Florida, Illinois, North Carolina, Oklahoma, South Carolina, and Tennessee where no official estimates of rice yields were available, the annual rice yields for the years 1962 through 1966 used in determining the county normal yields in this section for the applicable counties in these States shall be those obtained by special surveys covering all farms producing rice in any of the calendar years 1962 through 1966.

(c) *Proclamation of county normal yields.* County normal yields for 1967 crop rice, determined in accordance with paragraphs (a) and (b) of this section, are as follows:

ARKANSAS

County	Normal yield per harvested acre (pounds)	County	Normal yield per harvested acre (pounds)
Arkansas	4,366	Lafayette	3,100
Ashley	4,108	Lawrence	4,402
Chicot	3,906	Lee	3,984
Clark	3,570	Lincoln	4,295
Clay	4,283	Little River	3,995
Conway	3,867	Lonoke	4,383
Craighead	4,592	Miller	3,148
Crittenden	3,712	Mississippi	4,322
Cross	4,383	Monroe	4,249
Dallas	3,487	Perry	3,601
Desha	4,069	Phillips	3,884
Drew	3,996	Poinsett	4,650
Faulkner	3,686	Prairie	4,383
Grant	3,130	Pulaski	3,867
Greene	4,187	Randolph	4,345
Hot Spring	3,643	St. Francis	3,975
Independence	4,208	White	4,061
Jackson	4,218	Woodruff	4,106
Jefferson	4,182	State	4,289

CALIFORNIA

Butte	5,171	Riverside	4,120
Colusa	5,088	Sacramento	4,921
Fresno	4,215	San Joaquin	5,002
Glenn	5,048	Stanislaus	4,572
Imperial	4,000	Sutter	5,174
Kern	4,442	Tulare	4,131
Kings	2,312	Yolo	5,025
Madera	4,281	Yuba	4,825
Merced	4,556	State	5,009
Placer	4,282		

FLORIDA

Collier	1,182	Lee	1,182
Hendry	2,144	Palm Beach	772
Hillsborough	1,200	State	1,062

ILLINOIS

Adams	3,000

LOUISIANA

Acadia	3,537	Calcasieu	3,076
Allen	3,432	Cameron	3,444
Ascension	3,057	Catahoula	3,754
Assumption	2,980	Concordia	3,670
Avoyelles	3,560	East Carroll	3,685
Beauregard	2,826	Evangeline	3,781
Bossier	3,000	Franklin	3,507
Grant	3,638	St. James	3,288
Iberia	3,140	St. John the Baptist	3,166
Iberville	3,306	St. Landry	3,873
Jefferson Davis	3,710	St. Martin	3,804
Lafayette	3,378	St. Mary	3,046
Lafourche	1,895	St. Tammany	2,100
Madison	4,184	Tensas	3,752
Morehouse	3,980	Terrebonne	2,800
Ouachita	3,425	Vermilion	3,584
Pointe Coupee	3,065	West Baton Rouge	3,560
Rapides	3,826	West Carroll	3,774
Richland	3,105	State	3,522
St. Charles	2,290		

MISSISSIPPI

Bolivar	3,900	Quitman	3,572
Coahoma	3,869	Sharkey	3,962
De Soto	3,706	Sunflower	3,900
Hancock	2,500	Tallahatchie	3,790
Humphreys	3,846	Tate	3,950
Issaquena	3,000	Tunica	3,702
Laflore	3,774	Washington	4,060
Panola	3,749	State	3,884

MISSOURI

Butler	4,308	Pemiscot	4,288
Lewis	3,216	Ripley	4,384
Lincoln	3,316	St. Charles	3,951
Marion	4,084	Scott	4,332
Mississippi	3,509	Stoddard	4,390
New Madrid	4,330	State	4,302

NORTH CAROLINA

Brunswick	1,209	State	1,648
Hyde	1,785		

OKLAHOMA

McCurtain	3,722

SOUTH CAROLINA

Berkeley	2,538	Horry	1,500
Charleston	1,974	Jasper	2,118
Colleton	1,597	Kershaw	1,502
Georgetown	1,000	State	1,955

TENNESSEE

Dyer	4,282	Lauderdale	4,210
Fayette	2,300	State	4,252

TEXAS

Austin	4,578	Lavaca	4,365
Bowie	3,898	Liberty	3,840
Brazoria	3,827	Matagorda	4,828
Calhoun	4,352	Newton	3,582
Chambers	3,942	Orange	3,188
Colorado	4,662	Polk	2,780
Fort Bend	4,265	Travis	4,358
Galveston	3,858	Victoria	4,726
Hardin	3,665	Walker	2,680
Harris	4,420	Waller	4,695
Jackson	4,708	Washington	3,170
Jasper	3,464	Wharton	4,804
Jefferson	3,680	State	4,266

(Secs. 301, 375, 52 Stat. 38, as amended by 70 Stat. 212, 52 Stat. 66, as amended; 7 U.S.C. 1301, 1375)

Effective date: Upon filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on May 4, 1967.

H. D. GODFREY,
Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 67-5194; Filed, May 9, 1967; 8:46 a.m.]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order 4]

PART 1004—MILK IN DELAWARE VALLEY MARKETING AREA

Order Amending Order

AUTHORITY: The provisions of this Part 1004 issued under secs. 1–19, 48 Stat. 31 as amended, 7 U.S.C. 601–674.

§ 1004.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), public hearings were held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Delaware Valley marketing area. Upon the basis of the evidence introduced at such hearings and the records thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(4) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler (except a cooperative association in its capacity as a handler pursuant to § 1004.10(c) and as the operator of a pool plant with respect to milk which is transferred in bulk to the pool plant of another handler) as his pro rata share of such expense, 4 cents per hundredweight or such amount not to exceed 4 cents per hundredweight as the Secretary may prescribe, with respect to his receipts of producer milk (including such handler's own production), milk received from a cooperative association pursuant to § 1004.10(c), milk received in bulk as a transfer from a plant of a cooperative association and other source milk allocated to Class I pursuant to § 1004.46(a) (5) and (9) and the corresponding step of § 1004.46(b). The payment shall also apply with respect to any handler in his capacity as the operator of a partially regulated plant or an other order plant with respect to route disposition in the marketing area of unpriced other source milk.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than June 1, 1967. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator, Regulatory Programs was issued December 8, 1966 and the decisions of the Assistant Secretary containing all amendment provisions of this order, were issued April 7 and 25, 1967. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective June 1, 1967 and that it would be contrary to the public interest to delay the effective date of this order for 30 days after its publication in the FEDERAL REGISTER. (5 U.S.C. 553(d) (1966))

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in sec. 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as herein amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who participated in a referendum and who during the determined representative period were engaged in the production of milk for sale in the marketing area (Doc. AO–160–A28–29; 32 F.R. 5876). The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for

sale in the marketing area (Doc. AO–160–A33; 32 F.R. 6501).

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof the handling of milk in the Delaware Valley marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended and as hereby amended, as follows:

DEFINITIONS

§ 1004.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 1004.2 Secretary.

"Secretary" means the Secretary of Agriculture, or any officer or employee of the United States authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 1004.3 Department of Agriculture.

"Department of Agriculture" means the U.S. Department of Agriculture or any other Federal agency as may be authorized by Act of Congress, or by Executive order, to perform the price reporting functions of the U.S. Department of Agriculture.

§ 1004.4 Person.

"Person" means any individual, partnership, corporation, association, or any other business unit.

§ 1004.5 Delaware Valley marketing area.

"Delaware Valley marketing area", called the "marketing area" in this part means all the territory in the Commonwealth of Pennsylvania situated within the following boundary line: Beginning at a point in the Pennsylvania State line at the northern boundary of the Lower Makefield township line in Bucks County, thence first westerly, thence southerly along said Lower Makefield township line to the Middletown township line; thence westerly and southerly along the Middletown township line to the Lower Southampton township line; thence northerly and thence westerly along the Lower Southampton township line to the Montgomery County line; thence northerly along the Montgomery County line to the Trenton cutoff of the Pennsylvania Railroad; thence westerly along said railroad to the Upper Dublin township line, thence along the southern and western boundaries of Upper Dublin township to the Whitemarsh township line; thence southerly along the Whitemarsh township line to the lower Merion township line; thence along the northern boundary of lower Merion township to the Delaware County line; thence northerly, westerly and southerly along the Delaware County line to the Pennsylvania State line; thence easterly and northerly along the Pennsylvania State line to the point of beginning; all of that territory situated within and bounded on the north, east, and west by the boundary line of the State of Delaware, and on the south by the Chesapeake and Delaware Canals, all of which area lies within New Castle County, Delaware, and all of the territory in the State of New Jersey within the outer boundaries of the following counties: Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Salem, and Ocean (except the boroughs of Bay Head, Beachwood, Island Heights, Lakehurst, Lavallette, Mantoloking, Ocean Gate, Pine Beach, Point Pleasant, Point Pleasant Beach, Seaside Heights, Seaside Park, South Toms River, and the townships of Berkeley, Brick, Dover, Jackson, Lakewood, Manchester, and Plumsted).

§ 1004.6 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk or its products for its members.

§ 1004.7 Plants.

(a) "Plant" means the land and buildings together with their surroundings, facilities and equipment, whether owned or operated by one or more persons constituting a single operating unit or establishment at which milk or milk products are received from dairy farmers or processed or packaged. However, a separate establishment used only for the purpose of transferring bulk milk from one tank truck to another tank truck, or only as a distribution depot for fluid milk products in transit for route disposition shall not be a plant under this definition.

(b) "Distributing plant" means a plant from which fluid milk products are disposed of during the month in the marketing area as route disposition.

(c) "Supply plant" means a plant from which fluid milk products are shipped during the month to a distributing plant.

§ 1004.8 Pool plant.

"Pool plant" means a plant (except an other order plant or the plant of a producer-handler) specified in paragraph (a), (b), or (c) of this section.

(a) A distributing plant from which during any of the months of September through February not less than 50 percent, and during any of the months of March through August not less than 45 percent, of the milk received at such plant directly from dairy farmers (including milk diverted as producer milk pursuant to § 1004.15 by either the plant operator or by a cooperative association, but excluding the milk of dairy farmers for other markets) or from a cooperative association in its capacity as a handler pursuant to § 1004.10(c), is disposed of as route disposition, and the volume disposed of as route disposition in the marketing area during the month is not less than 10 percent of such receipts.

(b) Subject to the provisions of paragraphs (c) and (d) of this section, a supply plant from which during any of the months of September through February not less than 50 percent, and during any of the months of March through August not less than 40 percent, of the milk received from dairy farmers (including milk diverted as producer milk pursuant to § 1004.15 by either the plant operator or by a cooperative association), or from a cooperative association in its capacity as a handler pursuant to § 1004.10(c) is moved during the month to a distributing plant except an "other order plant" from which a volume of fluid milk products which is not less than 50 percent during any month of September through February, or 45 percent during any month of March through August, of its receipts of milk from dairy farmers, cooperative associations and from other plants is disposed of as route disposition during the month, and the volume disposed of as route disposition in the marketing area during the month is not less than 10 percent of such receipts.

(c) A supply plant that was a pool plant during each of the months of September through February pursuant to paragraph (b) of this section shall be a pool plant during the following months of March through August, unless written application is filed by the plant operator with the market administrator on or before the first day of any such month, requesting the plant to be designated a nonpool plant for such month and each subsequent month through August during which it would not otherwise qualify as a pool plant. However, the automatic pool plant status of a supply plant pursuant to this paragraph shall be canceled for any month during the March through August period that another supply plant is qualified for pooling by shipping fluid milk products to the same distributing plant(s) by which such automatic pooling was accomplished.

(d) A supply plant(s) not otherwise meeting the provisions of paragraph (b) of this section shall be considered to have met such provisions if:

(1) It is owned and operated by a handler who also operates a pool plant pursuant to § 1004.8(a);

(2) It is located outside the marketing area and is not a pool plant under another Federal order;

(3) The handler files a written request with the market administrator on or before the first day of September for pool plant status for such plant;

(4) The plant(s) in combination with the pool distributing plant meet the provisions of § 1004.8(a);

(5) The handler qualifies no other supply plant by actual shipments to such pool distributing plant; and

(6) The handler notifies the market administrator each month at the time

of filing reports pursuant to § 1004.30 in the detail prescribed by the market administrator with respect to any receipts from dairy farmers not meeting the health requirements for disposition as fluid milk in the marketing area.

§ 1004.9 Nonpool plants.

"Nonpool plant" means a plant other than a pool plant. The categories of nonpool plants are:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Partially regulated distributing plant" means a nonpool plant other than a producer-handler plant or an other order plant, from which fluid milk products in consumer-type packages or dispenser units are disposed of as route disposition in the marketing area during the month.

(d) "Unregulated supply plant" means a nonpool plant other than a producer-handler or an other order plant from which fluid milk products are shipped to a pool plant.

§ 1004.10 Handler.

"Handler" means

(a) Any person in his capacity as the operator of:

(1) A pool plant;

(2) A partially regulated distributing plant;

(3) An unregulated supply plant; and

(4) An other order plant pursuant to § 1004.61.

(b) Any cooperative association with respect to the milk of any producer which it causes to be diverted in accordance with the provisions of § 1004.15 from a pool plant to a nonpool plant for the account of such cooperative association.

(c) Any cooperative association with respect to the milk of its producers which is delivered from the farm to the pool plant of another handler in a tank truck owned and operated by or under contract to such cooperative association unless both the cooperative association and the handler notify the market administrator in writing prior to the first day of the month that the plant operator will be the handler and is purchasing the milk on the basis of farm weights and tests determined by farm bulk tank calibrations and at butterfat tests based on samples taken at the farm. Milk for which the cooperative association is the handler pursuant to this paragraph shall be deemed to have been received at the location of the pool plant to which such milk is delivered.

(d) A producer-handler; and

(e) Any other person who by purchase or direction causes milk of producers to be picked up at the farm and/or moved to a plant.

§ 1004.11 Pool handler.

"Pool handler" means any person in his capacity as the operator of a pool plant or a cooperative association qualified as a handler pursuant to § 1004.10 (b) or (c).

§ 1004.12 Producer-handler.

"Producer-handler" means any person who operates a dairy farm and a distributing plant, and whose sole source of supply for Class I milk is his own farm production and transfers from pool plants: *Provided,* That such person furnishes proof satisfactory to the market administrator that the maintenance and management of all dairy animals and other resources necessary to produce the entire amount of Class I milk handled (excluding transfers from pool plants), and the operation of the plant are each the personal enterprise of and at the personal risk of such person.

§ 1004.13 Dairy farmer.

"Dairy farmer" means any person who produces milk which is delivered in bulk to a plant.

§ 1004.14 Dairy farmer for other markets.

"Dairy farmer for other markets" means:

(a) Any dairy farmer with respect to milk reported pursuant to § 1004.8(d)(6); or

(b) Effective on and after January 1, 1968, any dairy farmer whose milk is received by a handler at a pool plant during any of the months of March through August, from a farm from which the handler, an affiliate of the handler, or any person who controls or is controlled by the handler, received milk other than as producer milk during the preceding months of January and February, unless such dairy farmer held nonproducer status during such months solely because the pool plant to which he currently ships was not a pool plant in such months.

§ 1004.15 Producer.

"Producer" means any person, except a producer-handler as defined in any order (including this part) issued pursuant to the Act, a dairy farmer for other markets, or any person with respect to milk produced by him which is subject to the pricing and payment provisions of another order issued pursuant to the Act, who produces milk which is received at a pool plant or by a cooperative association in its capacity as a handler pursuant to § 1004.10(c), or is diverted to a nonpool plant other than a producer-handler plant or an other order plant during any month(s) of March through August, or, in accordance with the provisions of paragraphs (a), (b), or (c) of this section, during any month of September through February. If a handler diverting milk pursuant to paragraph (a) of this section diverts milk of any dairy farmer in excess of the limits prescribed, such dairy farmer shall be a producer only with respect to that milk physically received at a pool plant. If a handler diverting milk pursuant to paragraphs (b) or (c) of this section diverts in excess of the limits prescribed, all diversions by such handler during the month shall be pursuant to paragraph (a) of this section.

(a) Not more than 10 days' production during the month unless, (1) in the case of a cooperative association, all of the diversions of milk of member producers of the cooperative during the month fall within the limits prescribed in paragraph (b) of this section, or (2) in the case of a pool handler (other than a cooperative association) diverting milk of nonmember producers, all of such diversions from such plant fall within the limits prescribed in paragraph (c) of this section.

(b) The diversion is the milk of a member of a cooperative association diverted for the account of such association and the amount of member milk so diverted does not exceed 15 percent of the volume of milk of all producer members of such cooperative association received at pool plants during such month.

(c) The diversion is the milk of a producer, who is not a member of a cooperative association, which is diverted by a handler in his capacity as the operator of a pool plant from which the quantity of nonmember milk so diverted does not exceed 15 percent of the total nonmember producer milk delivered to such handler during the month.

(d) Milk which is diverted pursuant to paragraphs (a), (b), or (c) of this section shall be deemed to have been received by the handler, for whose account it is diverted, at a pool plant at the location of the plant from which it was diverted, except that, for the purpose of applying location adjustments pursuant to §§ 1004.52 and 1004.82 milk which is diverted from a pool plant to a plant at which a greater location adjustment credit is applicable shall be priced at the latter location.

§ 1004.16 Milk and milk products.

(a) "Fluid milk product" means all skim milk (including reconstituted skim milk) and butterfat in the form of milk, skim milk, buttermilk, cultured buttermilk, flavored milk, milk drinks (plain or flavored), concentrated milk, and any other mixture of cream and milk or skim milk containing less than 18 percent butterfat (other than ice cream, ice cream mixes, ice milk mixes, eggnog, yogurt, sour half and half, and sterilized products in hermetically sealed containers): *Provided,* That when nonfat milk solids are added for "fortification", the amount of skim milk to be included within this definition shall be only that amount equal to the weight of skim milk in an equal volume of an unmodified product of the same nature and butterfat content;

(b) "Producer milk" means any skim milk or butterfat contained in milk:

(1) Received directly at a pool plant from producers;

(2) Received from producers by a cooperative association in its capacity as a handler pursuant to § 1004.10(c); or

(3) Diverted in accordance with the provisions of § 1004.15;

(c) "Other source milk" means all skim milk and butterfat contained in or represented by:

(1) Receipts (including any Class II milk product produced in the handler's plant during a prior month) in a form other than as fluid milk products which are reprocessed, converted, or combined with another product during the month; and

(2) Receipts in the form of fluid milk products from any source other than producers, pool plants, or from a cooperative association in its capacity as a handler pursuant to § 1004.10(c).

§ 1004.17 Route disposition.

"Route disposition" means any delivery of a fluid milk product from a plant to a retail or wholesale outlet (including any delivery by a vendor, from a plant store or through a vending machine) except any delivery to a plant.

§ 1004.18 Certified milk.

"Certified milk" is milk which is produced, packaged and sold under the label of certified milk in accordance with the rules and regulations promulgated by the American Association of Medical Milk Commissions, Inc.

MARKET ADMINISTRATOR

§ 1004.20 Designation.

The market administrator for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 1004.21 Powers.

The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 1004.22 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount, and with reasonable surety thereon, covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds received pursuant to § 1004.87:

(1) The cost of his bond and the bonds of his employees,

(2) His own compensation, and

(3) All other expenses necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly announce at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 5 days after the date upon which he is required to perform such acts, has not made reports pursuant to §§ 1004.30 and 1004.31, or payments pursuant to §§ 1004.80 through 1004.87;

(g) Submit his books and records to examination by the Secretary, and furnish such information and reports as the Secretary may request;

(h) Verify all reports and payments of each handler, by audit, if necessary, of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends;

(i) Prepare and make available for the benefit of producers, consumers, and handlers, such general statistics and information concerning the operation of this part as do not reveal confidential information;

(j) On or before the date specified, publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate, the following:

(1) The 5th day of each month the Class II price computed pursuant to § 1004.50(b), and the handler butterfat differentials computed pursuant to § 1004.51, both for the preceding month;

(2) The 13th day of each month, the uniform price computed pursuant to § 1004.71, and the butterfat differential to producers computed pursuant to § 1004.81, both for the preceding month;

(3) The 15th day of the month preceding the start of each calendar quarter, the Class I price computed pursuant to § 1004.50(a); and

(4) The 15th day of each month, the indexes computed pursuant to § 1004.50 (a)(1) for the preceding month, the 12-month average of prices for milk for manufacturing purposes as determined pursuant to § 1004.50(a)(3) for the period ending with the preceding month and the 12-month utilization percentage factor for the period ending with the preceding month calculated in the manner described in § 1004.50(a)(4).

(k) On or before the 15th day after the end of each month, report to each cooperative association which so requests, the class utilization of milk purchased from such association or delivered to the pool plant(s) of each handler by producers who are members of such cooperative association. For the purpose of this report, the milk so purchased or received shall be allocated to each class in the same ratio as all producer milk received by such handler during such month;

(l) Whenever required for purpose of allocating receipts from other order plants pursuant to § 1004.46(a)(10) and the corresponding step of § 1004.46(b), the market administrator shall estimate and publicly announce the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose;

(m) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products from an other order plant, the classification to which such receipts are allocated pursuant to § 1004.46 pursuant to such report, and thereafter any change in such allocation required to correct errors disclosed in verification of such report; and

(n) Furnish to each handler operating a pool plant who has shipped fluid milk products to an other order plant the classification to which the skim milk and butterfat in such fluid milk products were allocated by the market administrator of the other order on the basis of the report of the receiving handler; and, as necessary, any changes in such classification arising in the verification of such report.

REPORTS, RECORDS AND FACILITIES

§ 1004.30 Reports of receipts and utilization.

(a) On or before the 8th day after the end of each month each cooperative association in its capacity as a handler and each pool handler with respect to each of his pool plants shall report for the month to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(1) The quantities of skim milk and butterfat contained in (i) receipts of producer milk (including such handler's own production), (ii) receipts of fluid milk products and cream from other pool plants and milk received from a cooperative association for which it is a handler pursuant to § 1004.10(c), and (iii) receipts of other source milk;

(2) Inventories of fluid milk products and cream on hand at the beginning and end of the month; and

(3) The utilization of all skim milk and butterfat required to be reported pursuant to this paragraph;

(b) Each handler who operates a partially regulated distributing plant shall report as required in paragraph (a) of this section except that receipts of milk from dairy farmers shall be reported in lieu of producer milk, such report shall include a separate statement showing the respective amounts of skim milk and butterfat disposed of on routes in the marketing area as Class I milk; and

(c) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe.

(d) Each cooperative association shall report with respect to milk for which it is a handler pursuant to § 1004.10 (b) and (c) as follows:

(1) Receipts of skim milk and butterfat from producers;

(2) Utilization of skim milk and butterfat diverted to nonpool plants; and

(3) The quantities of skim milk and butterfat delivered to each pool plant of another handler.

§ 1004.31 Other reports.

(a) Each pool handler shall report to the market administrator in detail and on forms prescribed by the market administrator as follows:

(1) On or before the 25th day after the end of the month for each pool plant his producer payroll for such month which shall show for each producer: (i) his name and address; (ii) the total pounds of milk received from such producer; (iii) the average butterfat content of such milk; and (iv) the net amount of the handler's payment, together with the price paid and the amount and nature of any deduction;

(2) Such other information with respect to receipts and utilization of butterfat and skim milk as the market administrator shall prescribe.

(b) Promptly after a producer moves from one farm to another, or starts or resumes deliveries to a pool handler, the handler shall file with the market administrator a report stating the producer's name and post office address, and the farm and plant locations involved.

(c) In making payments to producers pursuant to § 1004.80(a)(2), or to a cooperative association pursuant to § 1004.80(b), each pool handler shall furnish such producer or cooperative association with respect to each of its producer members from whom the handler received milk during the month, a written statement showing:

(1) The month and the identity of the handler and of the producer;

(2) The total pounds and average butterfat test of milk delivered by the producer;

(3) The minimum rate at which payment to the producer is required under the provisions of § 1004.80(a)(2);

(4) The rate which is used in making the payment, if such rate is other than the applicable minimum rate;

(5) The nature and amount of any deductions made in payments due such producer; and

(6) The net amount of the payment to the producer.

(d) Each handler operating a partially regulated distributing plant who does not elect to make payments pursuant to § 1004.62(b) shall report the same information as required in paragraph (a) of this section with respect to dairy farmers from whom he receives milk.

(e) On or before the 20th day after the end of the month, each handler pursuant to § 1004.10(e) shall report to the market administrator, in the detail and on forms prescribed by the market administrator, all transactions wherein milk was bought or dealt in, giving the following information:

(1) The name and address of any cooperative association or producer for whom the handler by either purchase or direction caused milk of producers to be moved to a plant;

(2) The total pounds of milk involved in the transaction, and the average butterfat content of such milk; and

(3) Such other information with respect to such transaction as the market administrator may prescribe.

§ 1004.32 Records and facilities.

Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of his operations together with such facilities as are necessary for the market administrator to verify or establish the correct data for each month, with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form;

(b) The weights and tests for butterfat and other content of all milk and milk products handled;

(c) The pounds of skim milk and butterfat contained in or represented by all items in inventory at the beginning and end of each month required to be reported pursuant to § 1004.30(a)(2);

(d) Payments to producers and cooperative associations, including any deductions and the disbursement of money so deducted; and

(e) Other information required to be reported pursuant to § 1004.31(e).

§ 1004.33 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of 3 years to begin at the end of the month to which such books and records pertain: *Provided,* That if, within such 3-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c(15)(A) of the Act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 1004.40 Skim milk and butterfat to be classified.

The skim milk and butterfat to be reported by each handler pursuant to § 1004.30 shall be classified each month by the market administrator pursuant to the provisions of §§ 1004.41 through 1004.46.

§ 1004.41 Classes of utilization.

Subject to the conditions set forth in §§ 1004.42 through 1004.46 the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of as a fluid milk product;

(2) Contained in inventory of packaged fluid milk products on hand at the end of the month; and

(3) Not specifically accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than a fluid milk product;

(2) Disposed of for livestock feed;

(3) Contained in fluid milk products which are dumped, if the handler gives the market administrator such advance notice of intent to dump as the market administrator may prescribe;

(4) Contained in inventory of fluid milk products in bulk which are on hand at the end of the month;

(5) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1004.42(b)(1), but not to exceed the following:

(i) Two percent of producer milk received at a pool plant; plus

(ii) One and one-half percent of milk received at a pool plant from a cooperative association in its capacity as a handler pursuant to § 1004.10(c); plus

(iii) One and one-half percent of milk received at a pool plant in bulk tank lots from other pool plants; plus

(iv) One and one-half percent of receipts of fluid milk products in bulk from an other order plant, exclusive of the quantity for which Class II utilization was requested by the handler (and by the operator of such other order plant if such receipt is fully subject to the classification and pricing provisions of such other order); plus

(v) One and one-half percent of receipts from dairy farmers for other markets pursuant to § 1004.14(b) and receipts of fluid milk products in bulk from unregulated supply plants, exclusive of the quantity for which Class II utilization was requested by the handler; less

(vi) One and one-half percent of milk moved in bulk tank lots from a pool plant to other plants; and plus

(vii) One-half of one percent in receipts of producer milk by a cooperative association in its capacity as a handler pursuant to § 1004.10(c);

(6) In shrinkage of skim milk and butterfat, respectively, assigned pursuant to § 1004.42(b)(2);

(7) Disposed of in bulk to any commercial food establishment for use on the premises in the manufacture of soup, candy, bakery products, or any other nondairy commercial food product: *Provided,* That such establishment does not dispose of any fluid milk product;

(8) The weight of skim milk in fortified fluid milk products which is excepted from Class I milk pursuant to paragraph (a) of this section.

§ 1004.42 Shrinkage.

The market administrator shall allocate shrinkage over a handler's receipts at each pool plant as follows:

(a) Compute the total shrinkage of skim milk and butterfat, respectively, for each handler; and

(b) Shrinkage shall be prorated between: (1) Skim milk and butterfat in receipts described in § 1004.41(b)(5); and (2) skim milk and butterfat in other source milk, exclusive of that specified in § 1004.41(b)(5).

(c) In the case of milk received from producers by a cooperative association handler pursuant to § 1004.10(c), the cooperative association shall be responsible for proving that skim milk and butterfat in such milk which was not received at a pool plant should be classified other than as Class I, and the operator of a pool plant receiving skim milk and butterfat from a cooperative association handler pursuant to § 1004.10(c) shall be responsible for proving that such skim milk and butterfat should be classified other than as Class I.

§ 1004.43 Responsibility of handlers and the reclassification of milk.

(a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk and butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 1004.44 Transfers.

Skim milk and butterfat in the form of any fluid milk product shall be classified:

(a) As Class I milk if transferred from a pool plant or a cooperative association as a handler pursuant to § 1004.10(c) to a pool plant, unless Class II utilization is indicated by the transferee and transferor handlers (or by the handler if such transfer is between two pool plants of the same handler) in their reports pursuant to § 1004.30(a) for the month, subject to the conditions of subparagraphs (1), (2), and (3) of this paragraph:

(1) The skim milk or butterfat so assigned to either class shall be limited to the amount thereof remaining in such class in the transferee plant after computations pursuant to § 1004.46(a)(10) and the corresponding step of § 1004.46(b);

(2) If the transferor plant received during the month other source milk to be allocated pursuant to § 1004.46(a)(5), the skim milk and butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor handler received during the month other source milk to be allocated pursuant to § 1004.46(a)(9) or (10), and the corresponding steps of § 1004.46(b), the skim milk and butterfat so transferred up to the total of such receipts shall not be classified as Class I milk to a greater extent than would be applicable to a like quantity of such other source milk received at the transferee plant;

(b) As Class I milk, if transferred from a pool plant to a producer-handler;

(c) As Class I milk, if transferred or diverted in bulk to a nonpool plant that is neither an other order plant nor a producer-handler plant, unless the requirements of subparagraphs (1) and (2) of this paragraph are met, in which case the skim milk and butterfat so transferred or diverted shall be classified in accordance with the assignment resulting from subparagraph (3) of this paragraph:

(1) The transferring or diverting handler claims classification pursuant to the assignment set forth in subparagraph (3) of this paragraph in his report submitted to the market administrator pursuant to § 1004.30 for the month within which such transaction occurred;

(2) The operator of such nonpool transferee plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for the purpose of verification;

(3) The skim milk and butterfat so transferred shall be classified on the basis of the following assignment of utilization at such nonpool plant in excess of receipts of packaged fluid milk products from all pool plants and other order plants:

(i) Any route disposition in the marketing area shall be first assigned to the skim milk and butterfat in the fluid milk products so transferred or diverted from pool plants, and thereafter pro rata to receipts from other order plants;

(ii) Any route disposition in the marketing area of another order issued pursuant to the Act shall be first assigned to receipts from plants fully regulated by such order, and thereafter pro rata to receipts from pool plants and other order plants not regulated by such order;

(iii) Class I utilization in excess of that assigned pursuant to subdivisions (i) and (ii) of this subparagraph shall be assigned first to the receipts from dairy farmers who the market administrator determines constitute the regular source of supply for such nonpool plant, and Class I utilization in excess of such receipts shall be assigned pro rata to unassigned receipts at such nonpool plant from all pool and other order plants; and

(iv) Any remaining receipts from pool plants or other order plants shall be assigned to Class II: *Provided,* That if on inspection of the books and records of the nonpool plant the market administrator finds that the remaining unassigned receipts at such plant exceed the available Class II utilization, the transfer shall be classified as Class I up to the amount of such excess.

(d) As follows, if transferred to an other order plant in excess of receipts from such plant in the same category as described in subparagraph (1), (2), or (3) of this paragraph:

(1) If transferred in packaged form, classification shall be in the classes to which allocated as a fluid milk product under the other order;

(2) If transferred in bulk form, classification shall be in the classes to which allocated as a fluid milk product under the other order (including allocation under the conditions set forth in subparagraph (3) of this paragraph);

(3) If the operators of both the transferor and transferee plants so request in the reports of receipts and utilization filed with their respective market administrators, transfers in bulk form shall be classified as Class II to the extent of the Class II utilization (or comparable utilization under such other order) available for such assignment pursuant to the allocation provisions of the transferee order;

(4) If information concerning the classification to which allocated under the other order is not available to the market administrator for purposes of establishing classification pursuant to this paragraph, classification shall be as Class I, subject to adjustment when such information is available;

(5) For purposes of this paragraph, if the transferee order provides for more than two classes of utilization, milk allocated to a class consisting primarily of fluid milk products shall be classified as Class I, and milk allocated to other classes shall be classified as Class II; and

(6) If the form in which any fluid milk product is transferred to an other order plant is not defined as a fluid milk product under such other order, classification shall be in accordance with the provisions of § 1004.41.

§ 1004.45 Computation of skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical and other obvious errors, the reports of receipts and utilization submitted pursuant to § 1004.30(a) by each handler and compute the total pounds of skim milk and butterfat, respectively, in each class at each of the plants of such handler, and the total pounds of skim milk and butterfat in each class which was received from producers by a cooperative association handler pursuant to § 1004.10(b) and (c) and was not received at a pool plant: *Provided,* That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk used or disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in

such products plus all the water originally associated with such solids.

§ 1004.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1004.45, the market administrator shall determine each month the classification of milk received from producers by each cooperative association handler pursuant to § 1004.10 (b) and (c) which was not received at a pool plant, and the classification of milk received from producers and from cooperative association handlers pursuant to § 1004.10(c) at each pool plant for each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk classified as Class II pursuant to § 1004.41(b)(5);

(2) Subtract from the total pounds of skim milk in Class I, the pounds of skim milk in receipts of certified milk in packaged form;

(3) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk in fluid milk products received in packaged form from other order plants as follows, if the fluid products so received are classified and priced as Class I milk under such order or the equivalent thereof if assigned to Class I milk under this order:

(i) From Class II milk, the lesser of the pounds remaining, or two percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(4) Except for the first month this order is effective, subtract from the remaining pounds of skim milk in Class I, the pounds of skim milk in inventory of packaged fluid milk products on hand at the beginning of the month;

(5) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in each of the following:

(i) Other source milk in a form other than that of a fluid milk product;

(ii) Receipts of fluid milk products from dairy farmers for other markets pursuant to § 1004.14(a) and from unidentified sources; and

(iii) Receipts of fluid milk products from a producer-handler, as defined under this or any other Federal order;

(6) Subtract, in the order specified below, from the pounds of skim milk remaining in Class II;

(i) The pounds of skim milk in receipts of fluid milk products, for which the handler requests Class II utilization, which were received from unregulated supply plants, from other order plants if not classified and priced pursuant to the order regulating the plant and from dairy farmers for other markets pursuant to § 1004.14(b), but not in any case to exceed the pounds of skim milk remaining in Class II;

(ii) The pounds of skim milk remaining in receipts of other source milk in the form of fluid milk products from unregulated supply plants, from other order plants if not classified and priced pursuant to the order regulating such plant, and from dairy farmers for other markets pursuant to § 1004.14(b), if not assigned pursuant to subparagraphs (3) and (6)(i) of this paragraph, to the extent that the total of such receipts is in excess of the pounds of skim milk determined as follows:

(*a*) Multiply the pounds of skim milk remaining in Class I milk (exclusive of transfers between pool plants of the same handler) at all pool plants of the handler by 1.25;

(*b*) Subtract from the result the sum of the pounds of skim milk at all such plants in producer milk, receipts from pool plants of other handlers, from a cooperative association in its capacity as a handler pursuant to § 1004.10(c), in receipts from Order 2 pool bulk tank units and in receipts in bulk from other order plants which are classified and priced pursuant to the applicable order; and

(*c*) (*1*) Multiply any resulting plus quantity by the percentage that receipts of skim milk in other source milk in the form of fluid milk products from unregulated supply plants, from other order plants if not classified and priced pursuant to the order regulating such plant, and from dairy farmers for other markets pursuant to § 1004.14(b), remaining at this plant is of all such receipts remaining at all pool plants of such handler, after any deductions pursuant to subdivision (i) of this subparagraph.

(2) Should such computation result in a quantity to be subtracted from Class II which is in excess of the pounds of skim milk remaining in Class II, the pounds of skim milk in Class II, shall be increased to the quantity to be subtracted and the pounds of skim milk in Class I shall be decreased a like amount. In such case the utilization of skim milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made.

(iii) The pounds of skim milk in receipts of fluid milk products in bulk from an other order plant in excess of similar transfers to such plant if classified and priced pursuant to the other order and if Class II utilization was requested by the operator of such plant and the transferee handler, but not in excess of the pounds of skim milk remaining in Class II milk;

(7) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class II, the pounds of skim milk in inventory of fluid milk products in bulk (and for the first month this order is effective, in packaged fluid milk products) on hand at the beginning of the month;

(8) Add to the remaining pounds of skim milk in Class II milk, the pounds subtracted pursuant to subparagraph (1) of this paragraph;

(9) (i) Subtract from the pounds of skim milk remaining in each class, pro rata to the total pounds of skim milk remaining in each class in all pool plants of the receiving handler, the pounds of skim milk in receipts of fluid milk products from unregulated supply plants, from other order plants if not classified or priced pursuant to the order regulating such plant and from dairy farmers for other markets pursuant to § 1004.14(b), that were not subtracted pursuant to subparagraph (6)(i) or (ii) of this paragraph;

(ii) Should such proration result in the amount to be subtracted from any class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of milk at other pool plant(s) of such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made;

(10) Subtract from the pounds of skim milk remaining in each class, the pounds of skim milk in receipts of fluid milk products from Order 2 pool bulk tank units and in bulk from other order plants (except receipts from other order plants not classified and priced pursuant to the order regulating such plant), in excess in each case of similar transfers to the same plant, that were not subtracted pursuant to subparagraph (6)(iii) of this paragraph, pursuant to the following procedure:

(i) Subject to the provisions of subdivisions (ii) and (iii) of this subparagraph, such subtraction shall be pro rata to whichever of the following represents the higher proportion of Class II milk:

(*a*) The estimated utilization of skim milk in each class, by all handlers, as announced for the month pursuant to § 1004.22(1); or

(*b*) The pounds of skim milk in each class remaining at all pool plants of the handler;

(ii) Should proration pursuant to subdivision (i) of this subparagraph result in the total pounds of skim milk to be subtracted from Class II at all pool plants of the handler exceeding the pounds of skim milk remaining in Class II at such plants, the pounds of such excess shall be subtracted from the pounds of skim milk remaining in Class I after such proration at the pool plants at which received;

(iii) Except as provided in subdivision (ii) of this subparagraph, should proration pursuant to either subdivision (i) or (ii) of this subparagraph result in the amount to be subtracted from either class exceeding the pounds of skim milk remaining in such class in the pool plant at which such skim milk was received, the pounds of skim milk in such class shall be increased to the amount to be subtracted and the pounds of skim milk in the other class shall be decreased a like amount. In such case the utilization of milk at other pool plant(s) of

such handler shall be adjusted in the reverse direction by an identical amount in sequence beginning with the nearest other pool plant of such handler at which such adjustment can be made;

(11) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk received in fluid milk products from other pool plants and from a cooperative association in its capacity as a handler pursuant to § 1004.10(c) according to the classification assigned pursuant to § 1004.44(a); and

(12) If the pounds of skim milk remaining in both classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class II. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) Combine the amounts of skim milk and butterfat determined pursuant to paragraphs (a) and (b) of this section into one total for each class and determine the weighted average butterfat content of producer milk in each class.

MINIMUM PRICES

§ 1004.50 Class prices.

Subject to the provisions of §§ 1004.51 and 1004.52 the minimum class prices per hundredweight of milk for the month shall be as follows:

(a) *Class I milk.* For each month in each calendar quarter through June 1968, the price per hundredweight of Class I milk shall be the price computed for such quarter pursuant to subparagraphs (1) through (4) of this paragraph:

(1) Compute the indexes set forth in subdivisions (i) through (v) of this subparagraph for the second, third, and fourth months preceding the first month of the pricing quarter and divide the sum of these indexes by 15. The result shall be the formula index;

(i) Compute an index of wholesale commodity prices, using a 1957–58 base period by dividing by 0.99614, the average of the four latest weekly index figures (those available on the 15th day of the following month) of wholesale commodity prices as reported on a 1957–59 base by the Bureau of Labor Statistics, U.S. Department of Labor;

(ii) Compute an index of prices paid by Pennsylvania farmers per hundredweight for 20 percent protein mixed dairy feed, using a 1957–58 base period, by dividing by 0.03896 the monthly price for such feed published by the Pennsylvania Federal-State Crop Reporting Service;

(iii) Compute an index of prices received by Pennsylvania farmers for farm products except dairy, using a 1957–58 base period, by dividing by 2.103 the monthly index published by the Pennsylvania Federal-State Crop Reporting Service;

(iv) Compute an index of prices for milk for manufacturing purposes, f.o.b. plant United States, as reported by the Department of Agriculture, using a 1961–62 base period, by dividing by 0.030707 the monthly average prices determined pursuant to paragraph (b)(1) of this section, and adjust the result for seasonal variation by dividing by the applicable figure indicated below for such month:

January	1.028	July	0.988
February	1.014	August	.997
March	1.006	September	1.000
April	.980	October	1.004
May	.976	November	1.014
June	.984	December	1.014

(v) Compute an index of average daily pounds of Class I milk disposition using a 1957–58 base period, by dividing by 29,476 the daily average for the month of pounds of Class I milk disposition by plants fully regulated as a result of their sales in the marketing area other than in the State of New Jersey and excluding Class I milk disposition (on route or otherwise) outside the marketing area by any handler whose route disposition in the marketing area, exclusive of New Jersey, is less than 5 percent of his total route disposition, and excluding any duplication because of disposition between plants, and adjust the result for seasonal variation by dividing by the applicable figure indicated below for the month:

January	1.009	July	0.946
February	1.028	August	.949
March	1.011	September	1.020
April	1.025	October	1.046
May	1.010	November	1.005
June	.966	December	.990

(2) Subject to the conditions set forth in subparagraphs (3) and (4) of this paragraph the Class I price shall be that price indicated in the following class I price schedule opposite the bracket in which the formula index computed pursuant to subparagraph (1) of this paragraph falls except that for the months through April 1968, 20 cents shall be added to such price. If such index value is not within a bracket, the price shall be determined by the adjacent index bracket which is the same as or nearest to the bracket in which the price was established in the previous quarter:

CLASS I PRICE SCHEDULE

[Price Per Hundredweight]

Formula index	*Class I price*
At least but less than: [1]	
80.0–82.0	4.45
83.8–85.8	4.65
87.6–89.6	4.85
91.4–93.4	5.05
95.2–97.2	5.25
99.0–101.0	5.45
102.8–104.8	5.65
106.6–108.6	5.85
110.4–112.4	6.05
114.2–116.2	6.25
118.0–120.0	6.45

[1] If the formula index is more than 120.0 or less than 80.0 this table shall be extended at the same rate as the increase or decrease in the preceding bracket.

(3) If the annual level of the price for any calendar quarter exceeds by more than $2.60 the simple average of prices for milk for manufacturing purposes, f.o.b. plants United States, reported on a preliminary basis by the Department of Agriculture for each of the 12 months ending with the second month preceding such calendar quarter, as determined at 3.5 percent butterfat content pursuant to paragraph (b)(1) of this section, the Class I price for such quarter shall be adjusted downward (in multiples of 20 cents) to a price at which the annual level price is within such $2.60 variance.

(4) The Class I price for any calendar quarter computed pursuant to subparagraphs (1) through (3) of this paragraph shall be further adjusted as follows: *Provided,* That for each of the 6 months following the effective date of this part, the adjustments pursuant to this subparagraph shall not exceed plus or minus 20 cents:

(i) increased by 20 cents if the total receipts of producer milk during the 12-month period ending with the second month preceding such calendar quarter is less than 129 percent of the total pounds of such producer milk classified as Class I for the same period, and shall be increased an additional 20 cents if the ratio is less than 126 percent; and

(ii) decreased by 20 cents if the ratio of such receipts to such Class I disposition exceeds 139 and decreased an additional 20 cents if such ratio exceeds 142 percent.

(b) *Class II milk.* The price per hundredweight of Class II milk shall be determined for each month as follows:

(1) Adjust the average price for milk for manufacturing purposes, f.o.b. plants United States, as reported on a preliminary basis by the Department of Agriculture for the month, by subtracting for each one-tenth of 1 percent of average butterfat content above 3.5 percent, or adding for each one-tenth of 1 percent of average butterfat content below 3.5 percent an amount per hundredweight which shall be calculated by the market administrator by multiplying by 0.125 the average of the daily prices, using the midpoint of any range as one price, for Grade A (92-score) butter at wholesale in the New York market as reported for the period between the 16th day of the preceding month and the 15th day, inclusive, of the current month by the Department of Agriculture; and

(2) Adjust the result obtained in subparagraph (1) of this paragraph by the amount shown below for the applicable month:

	Amount (cents)		Amount (cents)
January	+16	July	+16
February	+15	August	+28
March	+08	September	+19
April	+04	October	+19
May	+01	November	+19
June	+02	December	+19

§ 1004.51 Butterfat differentials to handlers.

For milk containing more or less than 3.5 percent butterfat, the class prices for the month calculated pursuant to § 1004.50 shall be increased or decreased, respectively, for each one-tenth of 1 percent variation in butterfat content by the appropriate rate, rounded in each case to the nearest one-tenth cent determined as follows:

(a) *Class I milk.* Divide by 35 an amount calculated as follows: Add all market quotations (using the midpoint of any weekly range as one quotation) of prices per 40-quart can of fresh sweet cream of bottling quality of 40-percent butterfat content, not including prices for cream carrying special municipal approvals, reported at Philadelphia for each week ending within the month by the Department of Agriculture, divide by the number of quotations, subtract $2, divide by 9.7143: *Provided,* That such butterfat differential shall not be less than that provided pursuant to paragraph (b) of this section.

(b) *Class II milk.* Multiply by 0.120 the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) reported for the period between the 16th day of the preceding month and the 15th day, inclusive, of the current month by the Department of Agriculture for Grade A (92-score) butter in the New York City market.

§ 1004.52 Location differentials to handlers.

(a) For that milk received from producers and from cooperative association handlers pursuant to § 1004.10(c) at a pool plant located 45 miles or more by shortest highway distance, as determined by the market administrator from the nearest of the City Halls in Philadelphia, Pa.; Trenton or Atlantic City, N.J.; and classified as Class I milk or assigned Class I location adjustment credit pursuant to paragraph (b) of this section and for other source milk for which a location adjustment is applicable, the Class I price shall be reduced at the rate set forth in the following schedule according to the location of the pool plant where such milk is received from producers, subject to the exception contained in § 1004.15(d):

Distance of plant from nearest City Hall:	Rate per hundredweight (cents)
45 miles	23.0
Each additional 10 miles or fraction thereof an additional	1.5

(b) For purposes of calculating such adjustment, transfers between pool plants shall be assigned to Class I disposition at the transferee plant in an amount not in excess of that by which such Class I disposition exceeds 95 percent of the sum of receipts at such plant from producers, cooperative associations pursuant to § 1004.10(c), and the pounds assigned as Class I to receipts from other order plants and unregulated supply plants, and from dairy farmers for other markets pursuant to § 1004.14(b). Such assignment is to be made first to transferor plants at which no location adjustment credit is applicable and then in sequence beginning with the plant at which the least location adjustment would apply.

(c) For milk received from producers at a pool plant located 45 to 75 miles by the shortest highway distance as determined by the market administrator from the nearest of the City Halls in Philadelphia, Pa.; Trenton or Atlantic City, N.J.; and classified as Class II milk (except that for which a Class I location differential was assigned pursuant to paragraph (b)), the Class II price shall be reduced at the rate set forth in the following schedule according to the location of the pool plant where such milk was received from producers, subject to the exception contained in § 1004.15(d):

Distance of plant from nearest City Hall:	Rate per hundredweight (cents)
45 to 70 miles	5.0
Each additional 70 miles or fraction thereof an additional	1.0

§ 1004.53 Equivalent prices or indexes.

If for any reason a price or index specified by this part for use in computing class prices or other purposes is not reported or published in the manner described in this part, the market administrator shall use a price or index determined by the Secretary to be equivalent or comparable with the factor which is specified.

APPLICATION OF PROVISIONS

§ 1004.60 Producer-handler.

Sections 1004.40 through 1004.46, 1004.50 through 1004.53, 1004.62, 1004.70, 1004.71, and 1004.80 through 1004.87 shall not apply to a producer-handler.

§ 1004.61 Plants subject to other Federal orders.

A plant specified in paragraph (a) or (b) of this section shall be considered as a nonpool plant except that the operator of such plant shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require (in lieu of the reports required pursuant to § 1004.30) and allow verification of such reports by the market administrator. In addition, each handler operating an Order 2 pool plant from which any unpriced milk is disposed of as route disposition in the marketing area of this order shall, on or before the 15th day after the end of the month make payments to the producer-settlement fund of the difference between the announced Class I price under this order and the announced uniform price under Order 2, both applicable at his plant location, on the volume of such milk so disposed, and pay the administrative assessment provided in § 1004.87 with respect to such milk.

(a) Any plant qualified pursuant to § 1004.8(a) which would be subject to the classification and pricing provisions of another order issued pursuant to the Act unless the Secretary determines that a greater volume of Class I milk is disposed of from such plant on routes in the Delaware Valley marketing area than in a marketing area regulated pursuant to such other order;

(b) Any plant subject to the classification and pricing provisions of another order issued pursuant to the Act, notwithstanding its status under this order pursuant to § 1004.8 (a) or (b).

§ 1004.62 Obligations of handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay to the market administrator for the producer-settlement fund on or before the 25th day after the end of the month either of the amounts (at the handler's election) calculated pursuant to paragraph (a) or (b) of this section. If the handler fails to report pursuant to §§ 1004.30(b) and 1004.31(d) the information necessary to compute the amount specified in paragraph (a) of this section, he shall pay the amount computed pursuant to paragraph (b) of this section:

(a) An amount computed as follows:

(1) (i) The obligation that would have been computed pursuant to § 1004.70 at such plant shall be determined as though such plant were a pool plant. For purposes of such computation, receipts at such nonpool plant from a pool plant or an other order plant shall be assigned to the utilization at which classified at the pool plant or other order plant and transfers from such nonpool plant to a pool plant or an other order plant shall be classified as Class II milk if allocated to such class at the pool plant or other order plant and be valued at the weighted average price of the respective order if so allocated to Class I milk. There shall be included in the obligation so computed a charge in the amount specified in § 1004.70(e) and a credit in the amount specified in § 1004.84(b)(2) with respect to receipts from an unregulated supply plant, unless an obligation with respect to such plant is computed as specified below in this subparagraph.

(ii) If the operator of the partially regulated distributing plant so requests, and provides with his reports pursuant to §§ 1004.30(b) and 1004.31(d) similar reports with respect to the operations of any other nonpool plant which serves as a supply plant for such partially regulated distributing plant by shipments to such plant during the month equivalent

to the requirements of § 1004.8(b), with agreement of the operator of such plant that the market administrator may examine the books and records of such plant for purposes of verification of such reports, there will be added the amount of the obligation computed at such nonpool supply plant in the same manner and subject to the same conditions as for the partially regulated distributing plant.

(2) From this obligation there will be deducted the sum of (i) the gross payments made by such handler for milk (approved by a duly constituted health authority for fluid disposition) received during the month from dairy farmers at such plant and like payments made by the operator of a supply plant(s) included in the computations pursuant to subparagraph (1) of this paragraph, and (ii) any payments to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant.

(b) An amount computed as follows:

(1) Determine the respective amounts of skim milk and butterfat disposed of as Class I milk on routes in the marketing area;

(2) Deduct the respective amounts of skim milk and butterfat received as Class I milk at the partially regulated distributing plant from pool plants and other order plants, except that deducted under a similar provision of another order issued pursuant to the Act;

(3) Combine the amounts of skim milk and butterfat remaining into one total and determine the weighted average butterfat content; and

(4) From the value of such milk at the Class I price applicable at the location of the nonpool plant, subtract its value at the uniform price applicable at such location (not to be less than the Class II price).

§ 1004.70 Computation of the net pool obligation of each pool handler.

The net pool obligation of each pool handler for each pool plant and of each cooperative association handler pursuant to § 1004.10 (b) and (c) with respect to milk which was not received at a pool plant shall be a sum of money computed by the market administrator as follows:

(a) Multiply the quantity of milk received from a cooperative association as a handler pursuant to § 1004.10(c) and allocated pursuant to § 1004.46 (a) and (b)(11) and the quantity of producer milk in each class, as computed pursuant to § 1004.46(c), by the applicable class prices (adjusted pursuant to §§ 1004.51 and 1004.52);

(b) Add the amount obtained from multiplying the pounds of overage deducted from each class pursuant to § 1004.46(a)(12) and the corresponding step of § 1004.46(b) by the applicable class prices;

(c) Add the amounts computed under subparagraphs (1) and (2) of this paragraph:

(1) Multiply the difference between the applicable Class II price for the preceding month and the applicable Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1004.46(a)(7) and the corresponding step of § 1004.46(b) for the current month;

(2) Multiply the difference between the applicable Class I price for the preceding month and the applicable Class I price for the current month by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to §1004.46(a)(4) and the corresponding step of § 1004.46(b). If the Class I price for the current month is less than the Class I price for the preceding month, the result shall be a minus amount.

(d) Add an amount equal to the difference between the value at the Class I price applicable at the pool plant and the value at the Class II price, with respect to skim milk and butterfat in other source milk subtracted from Class I pursuant to § 1004.46(a)(5) and the corresponding step of § 1004.46(b); and

(e) Add an amount equal to the values of skim milk and butterfat determined pursuant to subparagraphs (1) and (2) of this paragraph as follows:

(1) The value at the Class I price of skim milk and butterfat received from dairy farmers for other markets assigned to Class I pursuant to § 1004.46(a)(9) and the corresponding step of § 1004.46 (b), adjusted pursuant to § 1004.52;

(2) The value at the Class I price of skim milk and butterfat assigned to Class I pursuant to § 1004.46(a)(9), and the corresponding step of § 1004.46(b), excluding milk from dairy farmers for other markets, adjusted for the location of the nearest plants from which such types of receipts were received.

§ 1004.71 Computation of uniform price.

For each month the market administrator shall compute the uniform price per hundredweight of milk received from producers as follows:

(a) Combine into one total the values computed pursuant to § 1004.70 for all handlers who filed the reports prescribed by § 1004.30 for the month and who made the payments required pursuant to § 1004.84 for the preceding month;

(b) Add an amount equal to the total value of the location differentials computed pursuant to § 1004.82;

(c) Subtract, if the average butterfat content of the milk specified in paragraph (e) of this section is more than 3.5 percent, or add, if such butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to § 1004.81 and multiplying the result by the total hundredweight of such milk;

(d) Add an amount equal to not less than one-half of the unobligated balance in the producer-settlement fund;

(e) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk included pursuant to paragraph (a) of this section; and

(2) The total hundredweight for which a value is computed pursuant to § 1004.70(e); and

(f) Subtract not less than four cents nor more than five cents per hundredweight. The result shall be the "uniform price," per hundredweight of milk of 3.5 percent butterfat received from producers.

PAYMENTS

§ 1004.80 Time and method of payment.

(a) Except as provided in paragraphs (b) and (d) of this section, each handler, except a cooperative association, shall make payment as specified in subparagraphs (1) and (2) of this paragraph to each producer from whom milk is received:

(1) On or before the last day of each month, at not less than the Class II price for the preceding month per hundredweight for his deliveries of producer milk during the first 15 days of the month; and

(2) On or before the 20th of the following month, the applicable uniform price per hundredweight for his deliveries of producer milk during the month subject to the following adjustments:

(i) Proper deductions authorized in writing by such producers;

(ii) Partial payments made pursuant to subparagraph (1) of this paragraph; and

(iii) If by such date such handler has not received full payment from the market administrator pursuant to § 1004.85 for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payment to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after receipt of the balance due from the market administrator;

(b) In the case of a cooperative association which the market administrator determines is authorized by its producer-members to collect payment for their milk and which has so requested any handler in writing, such handler shall on or before the second day prior to the date on which payments are due individual producers, pay the cooperative association for milk received during the month from the producer-members of such association as determined by the market administrator an amount equal to not less than the total due such producer-members as determined pursuant to paragraph (a) of this section; and

(c) In the case of milk received by a handler from a cooperative association in its capacity as the operator of a pool plant such handler shall on or before the second day prior to the date on which payments are due individual producers, pay to such cooperative association for milk so received during the month, an amount not less than the value of such milk computed at the applicable class prices for the location of the plant of the buying handler.

(d) Each handler who received milk from a cooperative association handler

pursuant to § 1004.10(c), shall on or before the second day prior to the date payments are due individual producers, pay such cooperative association for such milk as follows:

(1) A partial payment for milk received during the first 15 days of the month at the rate specified in paragraph (a)(1) of this section; and

(2) A final payment equal to the value of such milk at the uniform price adjusted by the applicable differentials pursuant to §§ 1004.81 and 1004.82, less the amount of partial payment on such milk.

§ 1004.81 Butterfat differential to producers.

The uniform price to each producer shall be increased or decreased, for each one-tenth of 1 percent by which the average butterfat content of his milk is above or below 3.5 percent, respectively, by the butterfat differential computed pursuant to § 1004.51(a) and rounded to the nearest full cent.

§ 1004.82 Location differential to producers.

(a) Subject to the exception contained in § 1004.15(d), the uniform price for milk received from producers and from cooperative association handlers pursuant to § 1004.10(c) at a pool plant located at least 45 miles from the nearest of the City Halls in Philadelphia, Pa.; Atlantic City or Trenton, N.J., by shortest highway distance as determined by the market administrator shall be reduced 23 cents, plus 1½ cents for each additional 10 miles or fraction thereof, which such plant is located from the nearest of the City Halls in Philadelphia, Pa.; Atlantic City or Trenton, N.J.

(b) For purposes of computations pursuant to §§ 1004.84 and 1004.85 the uniform price shall be reduced at the rates set forth in paragraph (a) of this section applicable at the location of the plant(s) at which the milk was received with respect to other source milk for which a value is computed pursuant to § 1004.70(e)(1) and at the location of the nonpool plant(s) from which the milk was received with respect to other source milk for which a value is computed pursuant to § 1004.70(e)(2).

§ 1004.83 Producer-settlement fund.

The market administrator shall maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments into such fund pursuant to §§ 1004.61 and 1004.62, 1004.84 and 1004.86 and out of which he shall make all payments from such fund pursuant to §§ 1004.85 and 1004.86: *Provided,* That the market administrator shall offset the payment due to a handler against payment due from such handler.

§ 1004.84 Payments to the producer-settlement fund.

On or before the 15th day after the end of the month each handler shall pay to the market administrator the amount, if any, by which the total amount specified in paragraph (a) of this section exceeds the amounts specified in paragraph (b) of this section:

(a) The net pool obligation computed pursuant to § 1004.70 for such handler;

(b) The sum of:

(1) The value of milk received by such handler from producers and from cooperative association handlers pursuant to § 1004.10(c) at the uniform price adjusted by producer butterfat and location differentials, less in the case of a cooperative association on milk for which it is a handler pursuant to § 1004.10(c), the amount due from other handlers pursuant to § 1004.80(d); and

(2) The value at the uniform price adjusted by the producer butterfat differential pursuant to § 1004.81 and the location differential on nonpool milk pursuant to § 1004.82(b) (not to be less than the value at the Class II price) with respect to other source milk for which values are computed pursuant to § 1004.70(e).

§ 1004.85 Payments out of the producer-settlement fund.

On or before the 17th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1004.84(b) exceeds the amount computed pursuant to § 1004.84(a); *Provided,* That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

§ 1004.86 Adjustment of accounts.

(a) Except as provided in paragraph (b) of this section, whenever verification by the market administrator of reports or payments of a handler discloses errors resulting in money due the market administrator from such handler, such handler from the market administrator, or any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred;

(b) Whenever verification by the market administrator of the reports or payments of a handler discloses errors resulting in money due any producer or cooperative association from such handler for milk received by such handler prior to the effective date of this amended order, the market administrator shall promptly notify such handler of any amount so due, and payment thereof shall be made promptly to the market administrator. The market administrator shall then pay the producer or cooperative association to whom such monies are due, except that if the amount is not more than 2 cents per hundredweight on the milk involved, the monies shall be deposited in the producer-settlement fund.

§ 1004.87 Expense of administration.

As his pro rata share of the expense of administration, each handler shall pay to the market administrator on or before the 20th day after the end of the month, 4 cents per hundredweight, or such lesser amount as the Secretary may prescribe with respect to milk handled during the month as follows:

(a) Each handler (excluding a cooperative association in its capacity as a handler pursuant to § 1004.10(c), and a cooperative association as the operator of a pool plant with respect to milk transferred in bulk to a pool plant) with respect to his receipts of producer milk (including such handler's own-farm production, milk received from a cooperative association pursuant to § 1004.10(c), and milk transferred in bulk from a plant owned and operated by a cooperative association) and other source milk allocated to Class I pursuant to § 1004.46(a) (5) and (9) and the corresponding step of § 1004.46(b);

(b) Each handler in his capacity as the operator of a partially regulated distributing plant with respect to his route disposition in the marketing area in excess of his receipts of Class I milk from pool plants and other order plants; and

(c) Each handler in his capacity as the operator of an other order plant with respect to his route disposition in the marketing area, which milk was not classified and priced under such other order.

§ 1004.88 Termination of obligations.

The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the month during which the market administrator receives the handler's utilization report on the milk involved in such obligation unless within such 2-year period the market administrator notifies the handler that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid:

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all

books and records required by this part to be made available, the market administrator may, within the 2-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said 2-year period with respect to such obligation shall not begin until the 1st day of the month following the month during which all such books and records pertaining to such obligations are made available to the market administrator or his representatives;

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed; and

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate 2 years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed, or 2 years after the end of the month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time files, pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1004.90 Effective time.

The provisions of this part or any amendment to this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 1004.91.

§ 1004.91 Suspension or termination.

The Secretary may suspend or terminate this part or any provisions of this part whenever he finds this part or any provisions of this part obstructs or does not tend to effectuate the declared policy of the Act. This part shall terminate, in any event, whenever the provisions of the Act authorizing it cease to be in effect.

§ 1004.92 Continuing obligations.

If upon the suspension or termination of any or all provisions of this part, there are any obligations thereunder, the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 1004.93 Liquidation.

Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignment or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidating and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1004.100 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 1004.101 Separability of provisions.

If any provision of this part, or its application to any person or circumstances is held invalid, the application of such provision and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Effective date: June 1, 1967.

Signed at Washington, D.C., on May 5, 1967.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 67-5234; Filed, May 9, 1967; 8:49 a.m.]

[Milk Order 99]

PART 1099—MILK IN PADUCAH, KY., MARKETING AREA

Order Amending Order

§ 1099.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Paducah, Kentucky, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective upon publication in the FEDERAL REGISTER. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of the said order are known to handlers. The recommended decision of the Deputy Administrator, Regulatory Programs, was issued April 27, 1967, and the decision of the Under Secretary containing all amendment provisions of this order was issued May 3, 1967. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective upon publication in the FEDERAL REGISTER, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (Sec. 4(c), Administrative Procedure Act, 5 U.S.C. 1001-1011)

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Paducah, Ky., marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

In § 1099.71, paragraph (h) is revised to read as follows:

§ 1099.71 Computation of the uniform price.

* * * * *

(h) For each of the months of April, May, June, and July, subtract an amount equal to 50 cents per hundredweight on the total amount of producer milk in these computations, which amount is to be retained in the producer-settlement fund and disbursed according to the provision of paragraph (i) of this section;

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on May 5, 1967.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 67-5235; Filed, May 9, 1967; 8:49 a.m.]

Chapter XI—Consumer and Marketing Service (Marketing Agreements and Orders; Miscellaneous Commodities), Department of Agriculture

PART 1205—COTTON RESEARCH AND PROMOTION

Subpart—Cotton Board Rules and Regulations

On April 7, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 5696) regarding Cotton Board rules and regulations with respect to the $1 per bale assessment, collecting and reporting handlers, refund, of assessments, reports and records, and related matters under the Cotton Research and Promotion Act (80 Stat. 279; 7 U.S.C. 2101 et seq.).

These rules and regulations were formulated by the Cotton Board and submitted to the Secretary of Agriculture on April 5, 1967, for his approval. The notice of proposed rule making afforded interested persons an opportunity to submit written data, views, or arguments relative to the proposed regulations.

Comments were received from 25 sources, principally persons engaged in the merchandising of cotton. Copies of all such comments were made available to the Cotton Board. After consideration of these comments, the Cotton Board requested approval of the regulations with the following changes:

1. In the first sentence of § 1205.510, the date "June 1, 1967" is changed to read "June 10, 1967".

2. Paragraph (d) of § 1205.512 is changed to include purchase of unbaled lint cotton from a cotton producer and to provide for the collection of the assessment on a bale which contains cotton purchased from more than one cotton producer.

3. Paragraph (a) of § 1205.513 is changed to provide that collecting handler reports shall be on a monthly instead of a semimonthly basis.

4. Section 1205.525 is changed to provide that only the warehouse first receiving a bale of cotton after ginning is required to enter the gin code number on the warehouse receipt.

5. Paragraph (a) of § 1205.530 is changed to reduce the number of periodic reports required to be submitted by ginners.

6. In paragraph (b) of § 1205.530, the date "February 28" is changed to read "March 20" and provision is made for a supplemental report to the Cotton Board on any bales ginned after March 20.

After consideration of the regulations submitted by the Cotton Board for approval and all relevant matters pursuant thereto, the regulations are hereby approved as hereinafter set forth:

Subpart—Cotton Board Rules and Regulations

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CONFIDENTIAL INFORMATION

1205.540 Confidential books, records, and reports.

AUTHORITY: The provisions of this subpart issued under sec. 7, 80 Stat. 281, 7 U.S.C. 2106; Cotton Research and Promotion Order, 7 CFR 1205.327, 31 F.R. 16759.

DEFINITIONS

§ 1205.500 Terms defined.

As used throughout this subpart, unless the context otherwise requires, the following terms shall mean:

(a) "ASCS" means the Agricultural Stabilization and Conservation Service of the U.S. Department of Agriculture.

(b) "Cotton Board" means the administrative body established pursuant to the Cotton Research and Promotion Order.

(c) "CCC" means the Commodity Credit Corporation.

(d) "Form A" means Cotton Producer's Note, Form CCC Cotton A.

(e) "Gin code number" means the identification number assigned to each cotton gin by the Cotton Division, Consumer and Marketing Service, U.S. Department of Agriculture.

(f) "Handle" means to harvest, gin, warehouse, compress, purchase, market, transport, or otherwise acquire ownership or control of cotton.

(g) "Handler" means any person who handles cotton, including CCC.

(h) "Marketing" means any sale of cotton, or the pledging of cotton to CCC as collateral for a price support loan.

(i) "Marketing year" means a consecutive 12-month period ending on July 31.

(j) "Person" means any individual, partnership, corporation, association, or any other entity, whether governmental or private.

(k) "Producer" means any person who owns or shares in a cotton crop (or in the proceeds thereof) as landowner, landlord, tenant, or sharecropper.

(l) "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the U.S. Department of Agriculture to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

GENERAL

§ 1205.505 Communication.

All reports, requests, and applications for refunds and communications in connection with the cotton research and promotion order shall be addressed as follows: Cotton Board, Post Office Box 4948, Memphis, Tenn. 38104.

ASSESSMENTS

§ 1205.510 Levy of assessment.

An assessment of $1 per bale for cotton research and promotion is hereby levied on each bale of upland cotton that is produced from cotton harvested and ginned on and after June 10, 1967. Such assessment shall be payable and collected only once on each bale.

§ 1205.511 Payment and collection.

The assessment shall be paid by the producer of the cotton to the collecting handler designated in § 1205.512. If more than one producer shares in the proceeds received from a bale, each such producer is obligated to pay that portion of the assessment which is equivalent to his proportionate share of the proceeds. Failure of the handler to collect the assessment on each bale shall not relieve the handler of his obligation to remit the assessment to the Cotton Board as required in §§ 1205.512 and 1205.513.

§ 1205.512 Collecting handlers and time of collection.

Collecting handlers and the time of collecting the $1 per bale assessment shall be as follows:

(a) Except as provided in paragraph (b) of this section, any person who purchases a bale of cotton from the producer of the cotton shall be the collecting handler for such cotton. The handler shall collect the assessment at the time the handler first makes any payment or any credit to the producer's account for the cotton. The handler shall give the producer a receipt indicating payment of the assessment.

(b) Any cooperative marketing association or other person that accepts a bale of cotton from the producer of the cotton under an oral or written contract or agreement providing for the marketing of the cotton shall be the collecting handler for such cotton. Such association or person shall collect the assessment regardless of whether the cotton is marketed or tendered to CCC for price support loan. The handler shall collect the assessment at the time the handler first makes any cash advance, any payment, or any credit to the producer's account for the cotton. The handler shall give the producer a receipt indicating payment of the assessment.

(c) For bales of cotton tendered to CCC for Form A loan, except bales tendered pursuant to paragraph (b) of this section:

(1) The ASCS County Office shall be the collecting handler except as provided in subparagraph (2) of this paragraph. The ASCS County Office shall collect the assessment when it makes disbursement based on the Form A loan documents. The producer's copy of the Cotton Producer's Note (Form CCC Cotton A) shall show payment of the assessment and shall constitute the producer's receipt for payment of the assessment.

(2) Any person (other than an ASCS County Office) who advances to the producer the loan value of the cotton as shown on a Cotton Producer's Note (Form CCC Cotton A) shall be the collecting handler for such cotton. The handler shall collect the $1 per bale assessment at the time the handler makes any advance to the producer on the loan value of the cotton. The handler shall give the producer a receipt indicating payment of the assessment.

(d) Any person who purchases cotton in the cotton field where produced or who purchases seed cotton or unbaled lint cotton from the producer of the cotton shall be the collecting handler. The handler shall collect the assessment at the time such cotton is ginned and shall give the producer a receipt indicating payment of the assessment. When a bale is ginned that contains any such cotton purchased from more than one producer, the handler shall collect each producer's proportionate share of the assessment and shall give each producer a receipt indicating the producer's proportionate share of the assessment payment.

(e) Any person who consumes domestically or exports cotton of his own production shall be the collecting handler for such cotton. Such handler shall pay the assessment to the Cotton Board at the time the cotton is consumed or exported.

(f) Any person who obtains ownership of a bale of cotton from the producer of the cotton by transfer of any kind or by any means, under conditions other than those described in paragraph (a), (b), (c), or (d) of this section shall be the collecting handler for such cotton. Such handler shall collect the assessment at the time he takes ownership of the cotton. The handler shall give the producer a receipt indicating payment of the assessment.

(g) In the event of a producer's death, bankruptcy, receivership, or incapacity to act, the representative of the producer, or his estate, or the person acting on behalf of creditors, shall be considered the producer of the cotton for the purposes of this section and § 1205.520.

§ 1205.513 Remittance to Cotton Board.

Each collecting handler shall transmit assessments and reports on assessments to the Cotton Board as follows:

(a) *Reporting periods.* Each calendar month shall be a reporting period and the period shall end at the close of business on the last day of the month.

(b) *Reports.* Each collecting handler shall make reports on forms made available or approved by the Cotton Board. Each collecting handler shall prepare a separate report form each reporting period for each gin from which such handler handles cotton on which he is required to collect the assessment during the reporting period. Each report shall be mailed in duplicate to the Cotton Board within 10 days after the close of the reporting period and shall contain the following information:

(1) Date of report.

(2) Reporting period covered by report.

(3) Gin code number.

(4) Name and address of handler.

(5) Listing of all producers from whom the handler was required to collect the assessment, their addresses, and total number of bales for each producer on which the handler was required to collect the assessment.

(6) Date of last report remitting assessments to the Cotton Board.

(c) *Remittances.* The collecting handler shall remit all assessments to the Cotton Board with the report required in paragraph (b) of this section. All remittances sent to the Cotton Board by collecting handlers shall be by check, draft, or money order payable to the order of the "Cotton Board". All remittances shall be received subject to collection and payment at par.

§ 1205.514 Receipts for payment of assessments.

Each collecting handler who is required by § 1205.512 to give the producer a receipt showing payment of the $1 per bale cotton research and promotion assessment shall include such receipt as part of the invoice or settlement sheet for the cotton, or shall give the producer a separate receipt form. The document given to the producer as a receipt shall contain the following information:

(a) Name and address of collecting handler.

(b) Gin code number of gin at which cotton was ginned.

(c) Name and address of producer who paid assessment.

(d) Number of bales on which assessment was paid.

(e) Date on which assessment was paid by producer.

REFUNDS

§ 1205.520 Procedure for obtaining refund.

Each cotton producer against whose cotton any assessment is made and collected pursuant to this subpart may obtain a refund of such assessment only by following the procedures prescribed in this section.

(a) *Application form.* A producer shall obtain a refund application form from the Cotton Board. Such form may be obtained by written request to the Cotton Board and the request shall bear the producer's signature or his properly witnessed mark.

(b) *Submission of refund application to Cotton Board.* Any producer requesting a refund shall mail an application on the prescribed form to the Cotton Board within 90 days from the date the assessment was paid on the cotton. The refund application shall show (1) producer's name and address; (2) collecting handler's name and address; (3) gin code number; (4) number of bales on which refund is requested; (5) date or inclusive dates on which assessments were paid; and (6) the producer's signature or properly witnessed mark. Where more than one producer shared in the assessment payment on cotton, joint or separate refund application forms may be filed. In any such case the refund application shall show the names, addresses and proportionate shares of all such producers. The refund application form shall bear the signature or properly witnessed mark of each producer seeking a refund.

(c) *Proof of payment of assessment.* The receipt given to the producer by the collecting handler, or a copy thereof, or such other evidence satisfactory to the Cotton Board, shall accompany the producer's refund application. Within 60 days from the date the properly executed application for refund is received by the Cotton Board, the Cotton Board shall make remittance to the producer. For joint applications, the remittance shall be made payable jointly to all eligible producers signing the refund application form. Receipts submitted with refund applications shall be returned to the producer with his refund by the Cotton Board.

WAREHOUSE RECEIPTS

§ 1205.525 Entry of gin code number.

For each bale of cotton ginned on or after June 10, 1967, the warehouse that first receives the bale for storage after ginning shall enter the gin code number of the gin at which the bale was ginned on the warehouse receipt issued for the bale.

REPORTS AND RECORDS

§ 1205.530 Ginners reports.

Each cotton gin in the United States shall submit reports to the Cotton Board on forms made available or approved by the Cotton Board, as follows:

(a) *Periodic report.* Each gin shall report the cumulative number of bales ginned at the gin as of the close of business on the last day of each month during its active ginning operations. Such reports shall be mailed to the Cotton Board not later than 5 days after the last day of each month in which cotton was ginned.

(b) *End-of-season report.* Within 10 days following the close of its ginning operations each year but in no event later than March 20, each gin shall report to the Cotton Board an alphabetical listing of producer names, their addresses and the number of bales ginned for each such producer. Each gin that gins cotton after March 20 shall make a supplemental report to the Cotton Board when ginning operations are completed giving the same information for all bales ginned after March 20.

§ 1205.531 Records.

Each handler required to make reports pursuant to this subpart shall maintain such books and records as are necessary to verify the reports.

§ 1205.532 Retention period for reports and records.

Each handler required to make reports pursuant to this subpart shall retain for at least 2 years beyond the marketing year of their applicability: (a) One copy of each report made to the Cotton Board; and (b) such books and records as are necessary to verify such reports.

§ 1205.533 Availability of reports and records.

Each handler required to make reports pursuant to this subpart shall make available for inspection by the Cotton Board, including its designated employees, and the Secretary any reports, books, or records required under this subpart.

CONFIDENTIAL INFORMATION

§ 1205.540 Confidential books, records, and reports.

All information obtained from the books, records, and reports of handlers and all information with respect to refunds of assessments made to individual producers shall be kept confidential in the manner and to the extent provided for in § 1205.336.

Effective date. This subpart shall become effective on June 10, 1967.

Signed at Memphis, Tenn., this 1st day of May 1967.

GEORGE C. CORTRIGHT,
Chairman, Cotton Board.

Attest:

CARLTON H. POWER,
Assistant Secretary, Cotton Board.

Approved at Washington, D.C., this 5th day of May 1967.

GEORGE L. MEHREN,
Assistant Secretary.

[F.R. Doc. 67-5233; Filed, May 9, 1967; 8:49 a.m.]

Title 12—BANKS AND BANKING

Chapter I—Bureau of the Comptroller of the Currency, Department of the Treasury

PART 10—ANNUAL REPORT TO STOCKHOLDERS

PART 18—FORM AND CONTENT OF FINANCIAL STATEMENTS

On February 8, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 2640) permitting interested persons 30 days to comment on the provisions contained therein. In such notice, the Comptroller of the Currency proposed a new Part 18 to the regulations relating to the form and content of financial statements, and conforming amendments to Part 10, concerning annual reports to stockholders.

More than 30 days have elapsed since the publication of the notice and this Office has reviewed and considered in detail all comments received and has incorporated a number of changes in such regulations as a result of such review. Accordingly, the regulations set forth below are hereby adopted in final form.

Chapter 1, Title 12 of the Code of Federal Regulations is amended by addition of a new Part 18 and a revision of Part 10 as follows:

Sec.
10.1 Scope and application.
10.2 No private right of action hereunder.
10.3 Information to be furnished stockholders.
10.4 Filing of report.

AUTHORITY: The provisions of this Part 10 issued under R.S. 324 et seq. as amended; 12 U.S.C. 1, et seq., secs. 12(g) and 13(a)(2), Securities Exchange Act of 1934, as amended.

§ 10.1 Scope and application.

(a) Every bank subject to the jurisdiction of the Comptroller of the Currency shall mail a written report containing, as a minimum, the financial and other information called for by this part, to each of its stockholders in time to be received by them prior to the bank's annual meeting, but in no event later than 60 days after the close of the fiscal year.

(b) On and after May 1, 1965, compliance with the requirements of § 10.4 shall be deemed a registration under section 12(g) of the Securities Exchange Act of 1934, as amended, of any class of equity securities heretofore issued by a national bank and held of record by 750 or more persons (after May 1, 1967, 500 or more persons).

(c) Notwithstanding the foregoing, any national bank prior to listing any class of its securities on a national securities exchange shall have filed a registration statement in accordance with the applicable provisions of Part 16 of this chapter, which has been declared effective by the Comptroller of the Currency.

INSTRUCTION: Sections 10.1 (b) and (c) apply to issues of equity securities that are now held, or may in the future become held, of record by 750 or more persons (after May 1, 1967, 500 or more persons). The registration requirements applicable to public offerings made hereafter are found in Part 16 of this chapter.

§ 10.2 No private right of action hereunder.

The enforcement of Parts 10, 11, 15, and 16 of this chapter shall be a function solely of the Office of the Comptroller of the Currency and no provision of the regulation in these parts (Parts 10, 11, 15, and 16 of this chapter) is intended to confer any private right of action on any stockholder or other person against a national bank.

§ 10.3 Information to be furnished stockholders.

The annual report shall bear the written, printed, or facsimile signature of the Chairman of the Board, President or other executive officer of the bank and shall include, as a minimum, the schedules and related information required by, and prepared in accordance with, Part 18 of this chapter.

§ 10.4 Filing of report.

Every bank registered under the Securities Exchange Act, pursuant to this part, shall file two copies of the annual report with the Comptroller of the Currency, Washington, D.C.; one copy with the appropriate Regional Administrator of National Banks; and maintain one copy at the office of the bank. Such reports will be available for public inspection upon request, at the principal office of the reporting bank and at the Office of the Comptroller of the Currency, Washington, D.C., during normal business hours.

Sec.
18.1 Scope and application.
18.2 Definition of terms.
18.3 Accrual accounting.
18.4 Consolidated statements.
18.5 Reporting of securities transactions.
18.6 Reconciliation of capital accounts and valuation reserves.
18.7 Rules of general application.

Appendix A—Balance Sheet.
Appendix B—Statement of Earnings.
Appendix C—Reconcilement of Capital Accounts.
Appendix D—Reconcilement of Valuation and Contingency Reserves.

AUTHORITY: The provisions of this Part 18 issued under R.S. 324 et seq., as amended, 12 U.S.C. 1, et seq., sections 12(g) and 13(a)(2), Securities Exchange Act of 1934, as amended.

§ 18.1 Scope and application.

(a) This part (unless otherwise noted) together with any subsequent interpretive statements specifies the form and minimum content of all financial statements required by regulation of this Office to be distributed to stockholders for fiscal years ending after June 30, 1967.

(b) The term "financial statements" as used in this part should be deemed to include all supporting schedules, instructions, and related forms.

(c) This part incorporates by reference all instructions and interpretations of this Office relating to financial reporting to stockholders which are presently outstanding and as may be amended hereafter.

(d) Certain instructions which assume a basis of full accrual accounting apply only to those banks within the scope of § 18.3 (a), (b), and (c).

§ 18.2 Definition of terms.

Unless the context otherwise requires, the following terms shall have the meaning indicated in this section:

(a) *Valuation Reserve.* A "valuation reserve" is an account established through an appropriate charge representing management's judgment as to possible loss or value depreciation in a specific class of assets, such as loans or investment securities. Loan loss reserves established pursuant to the Treasury tax formula should be separately disclosed and may be considered valuation reserves; where reported as a liability, these reserves should not be included in the capital accounts.

(b) *Reserve for Contingencies.* A "reserve for contingencies" is an account which represents capital reserves set aside for possible or unforeseen decreases or shrinkages in book values of assets or for other unforeseen or indeterminate liabilities, not otherwise reflected on the bank's books. Reserves for possible security losses, reserves for possible loan losses, and other contingency reserves that are established as precautionary measures only shall be included in the capital accounts, as they represent segregations of undivided profits.

(c) *Significant Subsidiary.* The term "significant subsidiary" means a subsidiary meeting either of the following conditions:

(1) The investments and advances in the subsidiary by its parent plus the parent's proportion of investment and advances in such subsidiary by the parent's other subsidiaries, if any, exceed 5 percent of the equity capital accounts of the parent (bank); or

(2) The parent's proportion of the gross operating revenues of the subsidiary exceeds 5 percent of the gross operating revenue of the parent (bank).

(d) *Material.* The term "material" when used to modify any item of assets or liabilities means an item exceeding 3 percent of total assets; when used to modify any income or expense item, it means an item exceeding 5 percent of gross operating revenue.

(e) *Significant.* The term "significant" refers to information which would be considered necessary to evaluate the condition and operations of a bank.

§ 18.3 Accrual accounting.

(a) For all fiscal years beginning after December 31, 1967, any bank subject to the jurisdiction of this Office, with total resources of $100 million or more shall prepare all its financial statements subject to this part on the basis of accrual accounting. Where the results would be only insignificantly different for particular accounts, a cash basis of reporting may be used.

(b) For all fiscal years beginning after December 31, 1968, any bank subject to the jurisdiction of this Office, with total resources of $50 million or more shall prepare all its financial statements subject to this regulation on the basis of accrual accounting. Where the results would be only insignificantly different for particular accounts, a cash basis of reporting may be used.

(c) For all fiscal years beginning after December 31, 1969, any bank subject to the jurisdiction of this Office, with total resources of $25 million or more shall prepare all its financial statements subject to this regulation on the basis of accrual accounting. Where the results would be only insignificantly different for particular accounts, a cash basis of reporting may be used.

(d) For all fiscal years beginning after December 31, 1967, any bank subject to the jurisdiction of this Office and not subject to the reporting requirements of paragraphs (a), (b), or (c) of this section, shall prepare all of its financial statements subject to this regulation so that its installment loan function and related tax provisions are on the basis of accrual accounting, or alternatively, such bank, as a footnote to the balance sheet, must disclose the amount of unearned income on installment loans carried in the undivided profits or other capital accounts.

(e) Notwithstanding the foregoing paragraphs (a), (b), and (c) of this section, income items of trust department functions may be reported on a cash basis.

§ 18.4 Consolidated statements.

(a) All majority-owned significant subsidiaries shall be consolidated with the parent.

(b) All majority-owned bank premises subsidiaries—whether or not significant subsidiaries—shall be consolidated with the parent.

(c) Any lien on bank premises owned by the bank or its majority-owned bank premises subsidiary, which has not been assumed by the bank or its subsidiary, should be reported in a parenthetical item, "(Bank premises owned are subject to $_____liens not assumed by bank or its subsidiaries)", immediately following the "bank premises and equipment" account in the Balance Sheet, Appendix A.

(d) Nonsignificant subsidiaries may also be consolidated.

(e) Minority interests in the net assets of consolidated subsidiaries shall be shown in each consolidated balance sheet as a liability. The aggregate amount of profit and loss accruing to minority interests may be stated separately in the consolidated profit or loss statement. Alternatively, net income (less minority interest) may be reported in "other income".

(1) Income from foreign subsidiaries and foreign branches shall be reported only when remittable to the parent bank; such income shall be reported under Item 1(f), Appendix B.

(f) In general, intercompany items and transactions shall be eliminated. If significant items are not eliminated, a statement of the reasons and methods of treatment shall be made.

§ 18.5 Reporting of securities transactions.

(a) *Amortization of securities.* When an investment security is purchased at a price exceeding par or face value, the bank shall provide for the amortization of the premiums paid by a charge to operating income so that such premium shall be entirely extinguished at or before maturity of the security.

(b) *Accretion of bond discount.* The accretion of bond discount is at the option of the bank. When discount is accreted and amounts to 5 percent or more of the annual bond income, appropriate notation should be made in statements of net operating income indicating the amount of net operating income after taxes resulting from the accretion of discount. If accretion is followed, discount on bonds acquired should be accreted from date of purchase to maturity, and a provision for applicable deferred income taxes should be made.

(c) *Trading account securities.* Banks that are dealers in securities should report their trading account securities at the lower of cost or market value. If either the reporting value of securities or income therefrom meet the test of materiality, the trading account and trading account income should be reported separately. The income account should include coupon interest, profit and losses, revaluation adjustments and any other incidental revenue or expenses related to the purchase and sale of such securities, but salaries, commissions and other expenses should be excluded. If materiality is not met, unless management wishes to report separately, trading account securities should be included with portfolio securities in the respective classifications. In the earnings statement coupon interest should then be reported with interest on securities and other income with other operating income.

(d) *Securities profits and losses.* Securities profits and losses should be reported after applicable income taxes as a nonoperating addition in the case of a net profit and nonoperating deductions in the event of a net loss.

§ 18.6 Reconciliation of capital accounts and valuation reserves.

(a) Banks shall report a comparative reconciliation of capital accounts for the latest fiscal year and the preceding fiscal

year, in the format illustrated in Appendix C.

(b) Banks shall report a comparative reconciliation of valuation reserves and contingency reserves for the latest fiscal year and the preceding fiscal year in the format illustrated in Appendix D.

§ 18.7 Rules of general application.

(a) *Earnings.* All banks subject to the jurisdiction of the Office of the Comptroller of the Currency shall be required to report: (1) Net operating earnings, total and per share, after deductions for income taxes applicable to operating earnings; (2) net amount, after nonoperating additions and deductions and applicable income taxes, which was transferred to capital accounts.

(b) *Additional information.* The information required with respect to any financial statement shall be furnished as a minimum requirement to which shall be added such further material information as is necessary to make the required statements not misleading. For example, information on nonsubsidiary organizations or trusteeships operated for the benefit of bank stockholders should be disclosed. The reporting bank may add any additional information it deems desirable.

(c) *Changes in accounting principles and practices and retroactive adjustments initiated by the bank.* (1) Any changes in accounting principles or practices or in the method of applying any accounting principles or practices, made during any period for which financial statements are filed which affects comparability of such financial statements with those of prior or future annual periods, and the effect thereof upon the net operating earnings for each period for which financial statements are filed, should be disclosed in a note to the appropriate financial statement where significant.

(2) Any significant retroactive adjustment made during any period for which financial statements are filed, and the effect thereof upon net operating earnings and nonoperating additions and deductions of prior periods shall be disclosed in a note to the appropriate financial statement.

(d) *Balance sheet and statement of earnings.* (1) Banks shall report a balance sheet and a statement of earnings. The format illustrated in Appendices A and B represents the minimum disclosure consistent with this part. However, banks with resources of less than $5 million, may, in lieu of Appendix B, report their statement of earnings in the format of the Report of Income and Dividends prepared for the Office of the Comptroller of the Currency. The earnings statement of banks choosing this option should be identical to Items 1 through 8 of said Report.

(2) If a cash basis of accounting has been used, it should be so stated.

(3) All fixed assets acquired subsequent to June 30, 1967, shall be stated at cost less accumulated depreciation or amortization.

APPENDIX A—BALANCE SHEET

	19–	19–
Resources:		
1. Cash and due from banks		
2. U.S. Government obligations		
3. Obligations of States and political subdivisions		
4. Obligations of Federal agencies		
5. Other securities		
6. Investments in unconsolidated subsidiaries		
7. Trading account securities		
8. Securities purchased under agreements to resell		
9. Federal funds sold		
10. Loans		
11. Direct lease financing		
12. Bank premises and equipment		
13. Customer's acceptance liability		
14. Other assets		
15. Total		
Liabilities:		
16. Deposits:		
(a) Demand deposits		
(b) Time deposits		
17. Securities sold under agreements to repurchase		
18. Federal funds purchased		
19. Funds borrowed		
20. Mortgages payable		
21. Acceptances outstanding		
22. Other liabilities		
23. Total liabilities		
24. Minority interests in consolidated subsidiaries		
Capital accounts:		
25. Capital notes and debentures		
Rate		
Maturity		
26. Equity capital:		
(a) Capital stock:		
Preferred stock—total par value		
Number shares oustanding		
Commonstock—total par value		
Number shares authorized		
Number of shares outstanding		
(b) Surplus		
(c) Undivided profits		
(d) Reserve for contingencies and other capital reserves		
27. Total capital accounts		
28. Total liabilities and capital		

NOTES

(1) A bank, for purposes of the preparation of its reports to shareholders, may use options permitted or specifically authorized. It may also combine the various lines as indicated below, if the line figure is less than 3 percent of total assets.

Line 4 into Line 5. Line 6 into Line 14. Line 7 into Lines 2, 3, 4, 5 as appropriate. Line 8 into Line 10. Line 9 into Line 10. Line 11 into Line 14. Line 13 into Line 14. Line 17 into Line 19. Line 18 into Line 19. Line 20 into Line 19. Line 21 into Line 22. Line 24 into Line 22.

(2) The reserve for loan losses may be shown either as a deduction from gross loans or as a noncapital liability item.

APPENDIX B—STATEMENT OF EARNINGS

	19–	19–
1. Operating income:		
(a) Interest and fees on loans		
(b) Interest and dividends on:		
(1) U.S. Government obligations		
(2) Obligations of States and political subdivisions		
(3) Other securities		
(c) Trading account		
(d) Service charges on deposit accounts		
(e) Trust department		
(f) Other		
(g) Total		
2. Operating expenses:	19–	19–
(a) Salaries and bonuses		
(b) Pensions, profit sharing, and other employee benefits		
(c) Interest on deposits		
(d) Interest on borrowed money		
(e) Net occupancy—bank premises		
(f) Equipment rentals, depreciation, maintenance		
(g) Other		
(h) Total		
3. Operating earnings before income tax		
4. Income taxes applicable to operating earnings		
5. Minority interest in net operating earnings		
6. Net operating earnings per share (State share basis of computation)		

7. Nonoperating additions, net after tax effect:
   (a) Net security profits
   (b) Transfers from reserves
   (c) Loan recoveries (not credited to reserve for bad debts)
   (d) Other
   (e) Minority interest applicable thereto
   (f) Total nonoperating additions
8. Nonoperating deductions, net after tax effect:
   (a) Net security losses
   (b) Transfers to reserves
   (c) Loan chargeoffs (not charged to reserve for bad debts)
   (d) Other
   (e) Minority interest applicable thereto
   (f) Total nonoperating deductions
9. Net nonoperating additions (deductions)
10. Transferred to undivided profits

NOTE: Any operating income or expense item which is not material may be combined with 1(f) or 2(g), as appropriate.

APPENDIX C.—RECONCILEMENT OF CAPITAL ACCOUNTS

	19–	19–
Balance, beginning of year		
Additions:		
Transferred from statement of earnings (line 10)		
Other additions (specify)		
Total additions		
Deductions:		
Cash dividends declared (per share ----) $---- $---- 19– 19–		
Other deductions		
Total deductions		
Balance, end of year		

APPENDIX D.—RECONCILEMENT OF VALUATION AND CONTINGENCY RESERVES

Item	Valuation reserves						Contingency reserves	
	Reserve for loan losses pursuant to IRS rulings		Other reserves on loans		Reserves on securities			
	19–	19–	19–	19–	19–	19–	19–	19–
1. Balance at beginning of calendar year								
2. Additions due to mergers and absorptions								
3. Recoveries credited to these reserves								
4. Transfers to these reserves								
5. Total (sum of items 1, 2, 3 and 4)								
6. Losses charged to these reserves								
7. Transfers from these reserves								
8. Balance at end of year								

Dated: May 1, 1967.

[SEAL] WILLIAM B. CAMP,
Comptroller of the Currency.

[F.R. Doc. 67-5286; Filed, May 9, 1967; 9:14 a.m.]

Title 32—NATIONAL DEFENSE

Chapter XVI—Selective Service System

[Amdt. 108]

PART 1690—DETERMINATION OF AVAILABILITY OF MEMBERS OF THE STANDBY RESERVE OF THE ARMED FORCES FOR ORDER TO ACTIVE DUTY

Time for Taking Appeal

1. Subparagraph (1) of paragraph (d) of § 1690.16, *Appeal to appeal board,* is amended to read as follows:

§ 1690.16 Appeal to appeal board.

* * * * *

(d) * * *

(1) Within 30 days after the date the local board mails to the reservist a Standby Reserve Notice of Availability (SSS Form 86).

* * * * *

2. Paragraph (c) of § 1690.17 *Appeal to Director of Selective Service,* is amended to read as follows:

§ 1690.17 Appeal to Director of Selective Service.

* * * * *

(c) The reservist, any person who claims to be a dependent of the reservist, or any person who, prior to the determination appealed from, filed a written request that the reservist be found not available for order to active duty because of his current civilian occupation, at any time within 30 days after the mailing by the local board of a Standby Reserve Notice of Availability (SSS Form 86) notifying the reservist of the determination of the appeal board, may appeal to the Director of Selective Service from such determination if the appeal board determined that the reservist was available for order to active duty and was in Category I–R and one or more members of the appeal board dissented from such determination. The local board may permit any person entitled to appeal to the Director of Selective Service under this paragraph to do so, even though the 30-day period provided for taking such an appeal has elapsed, if it is satisfied that the failure of such person to appeal within such 30-day period was due to a lack of understanding of the right to appeal or to some cause beyond the control of such person.

* * * * *

(Sec. 10, 62 Stat. 618, as amended; 50 U.S.C. App. 460. Interpret or apply sec. 1 (18), 72 Stat. 1440; 10 U.S.C. 672; E.O. 9979, 18 F.R. 4177; 3 CFR 1943–1948 Comp.)

The foregoing amendment to the Selective Service Regulations shall become effective upon filing with the Office of the Federal Register, National Archives and Records Service, General Services Administration.

[SEAL] LEWIS B. HERSHEY,
Director of Selective Service.

MAY 5, 1967.

[F.R. Doc. 67-5198; Filed, May 9, 1967; 8:46 a.m.]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 11—Coast Guard, Department of Transportation

[CGFR 67-9]

PART 11–16—PROCUREMENT FORMS

Miscellaneous Amendments

Pursuant to authority vested in me as Commandant, U.S. Coast Guard, by 49 CFR 1.4:

The table of contents for Part 11–16 is amended to revise existing entries and add new entries as follows:

Subpart 11–16.1—Forms for Advertised Supply Contracts

Sec.	
11–16.100	Scope of subpart.
11–16.101	Contract forms.
11–16.101–50	Conditions for use.
11–16.101–51	Instructions for preparation of forms for advertised supply contracts (Standard Forms 33, 26, and 30).

Subpart 11–16.2—Forms for Negotiated Supply Contracts

11–16.201	Request for Quotations (Standard Form 18).
11–16.201–1	Form prescribed.
11–16.202	Contract forms.
11–16.202–1	General.
11–16.202–2	Conditions for use.
11–16.202–50	Award/Contract (Standard Form 26).
11–16.202–51	Solicitation, Offer, and Award (Standard Form 33).
11–16.202–52	Amendment of Solicitation/Modification of Contract (Standard Form 30).

New Subpart 11–16.1 is added, reading as follows:

Subpart 11–16.1—Forms for Advertised Supply Contracts

§ 11–16.100 Scope of subpart.

This subpart sets forth instructions concerning forms used in procuring supplies by formal advertising which are in addition to those instructions prescribed in Subpart 1–16.1 of this title.

§ 11–16.101 Contract forms.

In addition to the forms prescribed by § 1–16.101 of this title, the following forms shall be used in supply contracts where the procurement is effected by formal advertising:

(a) CG Form 2557A (Additional General Provisions to U.S. Standard Form 32.)

(b) Any other special terms for the Invitation for Bids or additional contract provisions prescribed by this regulation.

§ 11–16.101–50 Conditions for use.

(a) The Solicitation, Offer, and Award (Standard Form 33) shall be prepared in accordance with §§ 1–2.201 of this title and 11–2.201 of this chapter. One copy of Standard Form 33A shall accompany each copy of Standard Form 33. Offerors shall be requested to return not more than three signed copies of their offers.

(b) Standard Form 32 and CG Form 2557A (Additional General Provisions) may be attached to each copy of the solicitation. Alternatively, only one copy of Standard Form 32 and CG Form 2557A need be furnished to each offeror for retention if such provisions are specifically incorporated by reference, including each form name, number and date, in the Schedule. Provisions which are inapplicable to a particular procurement may be deleted by appropriate reference in an Alterations in Contract clause.

(c) Award of contracts shall be accomplished by completing the award portion of Standard Form 33 and furnishing a copy of the form, so completed, to each successful offeror. Alternatively, such award may be accomplished by completing the award portion of Standard Form 26 and furnishing it to each successful offeror. Papers previously forwarded to offerors need not accompany the successful offeror's copy of the award document. The required use of the award portion of Standard Form 33 or Standard Form 26 does not preclude the additional use of informal documents, including telegrams, as notice of awards.

(d) See § 11–16.202–52 for use of Amendment of Solicitation/Modification of Contract (Standard Form 30).

(e) Continuation Sheet (Standard Form 36) shall be used when additional space is required for Schedule, Amendment/Modification, or Award; however, where the columns thereon are not required, a blank sheet may be used. The appropriate procurement number and page number shall be shown on all continuation sheets.

§ 11–16.101–51 Instructions for preparation of forms for advertised supply contracts (Standard Forms 33, 26, and 30).

See § 11–16.250 for preparation of forms for advertised supply contracts (Standard Forms 33, 26, and 30).

Subpart 11–16.2—Forms for Negotiated Supply Contracts

1. Section 11–16.200 is revised to read as follows:

§ 11–16.200 Scope of subpart.

This subpart sets forth instructions concerning forms used in procuring supplies by negotiation which are in addition to those instructions prescribed in Subpart 1–16.2 of this title.

2. Section 11–16.201 is added, reading as follows:

§ 11–16.201 Request for Quotations (Standard Form 18).

§ 11–16.201–1 Form prescribed.

(a) *General.* Standard Form 18 is prescribed for obtaining price, cost, delivery, and related information from suppliers.

(b) *Conditions for use.* Standard Form 18 is authorized for use when it appears reasonably certain that the procurement will be consummated by (1) a fixed-price contract involving extensive negotiation or (2) a cost-reimbursement contract. Continuation Sheet (Standard Form 36) may be used as required. (Standard Form 18 may be used for negotiated procurements in excess of $2,500, and for negotiated procurements of $2,500 or less (including purchase orders) when written solicitations (other than by telegram) of quotations are required. (See § 11–3.650–2(c)(1) for use of DD Form 1155 as a request for quotations.) Two copies of Standard Form 18 shall be sent to each prospective supplier and he shall be requested to return only one signed copy. A quotation submitted on this form or on DD Form 1155 is not to be construed as an offer which can be accepted by the Government to form a binding contract. Therefore, issuance by the Government of a purchase order pursuant to a supplier's quotation does not constitute a contract, but the purchase order is an offer by the Government to the supplier to buy certain goods or services upon specified terms and conditions.

3. Section 11–16.202 is added, reading as follows:

§ 11–16.202 Contract forms.

§ 11–16.202–1 General.

The forms described in this section are authorized for use in negotiated supply contracts. Instructions for their use are set forth in this chapter as indicated in this section.

§ 11–16.202–2 Conditions for use.

§ 11–16.202–50 Award/Contract (Standard Form 26).

(a) *General.* Standard Form 26 is designed for use primarily when entering into contracts resulting from extensive negotiation where the signature of both parties on a single document is appropriate. (See also § 11–16.202–51 for use of this form as an award pursuant to receipt of a firm offer on Solicitation, Offer, and Award (Standard Form 33).)

(b) *Conditions for use.* This form, in conjunction with appropriate General Provisions as provided in paragraph (c), (d), and (e) of this section, is prescribed for use in negotiated supply contracts except:

(1) Contracts for which Solicitation, Offer, and Award (Standard Form 33) is used in accordance with § 11–16.202–51;

(2) Contracts for the construction, alteration, or repair of buildings, bridges, roads, or other kinds of real property;

(3) Procurements for which special contract forms are prescribed by FPR or CGPR; and

(4) Procurements for which purchase order and related forms are authorized by Subpart 11–16.3 of this part.

(c) *Short form negotiated supply contracts.* (1) DD ASPR Form 1270, General Provisions (Short Form Negotiated Contract) shall be used with Standard Form 26, Award/Contract, for negotiated, fixed-price contracts which do not exceed $10,000 and which are for standard or commercial items not involving special inspection due to complicated specifications. DD ASPR Form 1270 need not be used in contracts to be performed outside the United States, its possessions or Puerto Rico.

(2) No clause on DD ASPR Form 1270 may be deleted or altered, and no other clause covering the subject matter of any clause set forth in FPR or CGPR may be used (including the clauses required by §§ 1–1.710–3 and 1–1.805–3 of this title) except:

(i) Clause number 8, Termination For Convenience, Line 8 will be altered to read "Part 1–8 of the Federal Procurement Regulations" in lieu of "Section VIII of the Armed Services Procurement Regulations";

(ii) Clause number 17, Renegotiation will be deleted;

(iii) The Communist Areas Clause (§ 11–7.150–16) shall be inserted in the Schedule where appropriate;

(iv) When the contract is for procurement of supplies and data or solely for data, one of the clauses set forth in ASPR 9–203 through 9–206 shall be added when required by the instructions contained in ASPR, section IX, Part 2;

(v) The Priorities, Allocations, and Allotments Clause (§ 11–7.150–13) may be inserted in the Schedule where required;

(vi) The Federal, State, and Local Taxes Clause (§ 11–7.150–11 of this chapter) may, in the discretion of the contracting officer, be inserted in the Schedule;

(vii) The procedures set forth in § 1–4.604 of this title will be followed when required by Subpart 1–4.6 of this title, Livestock Products;

(viii) Where Government property having an acquisition cost of more than $25,000 is to be furnished, the Government Property (Fixed-Price) Clause in ASPR 13–702 shall be inserted in the Schedule; and where Government property having an acquisition cost of $25,000 or less is to be furnished, the Government-Furnished Property (Short Form) Clause in ASPR 13–710 shall be inserted in the Schedule; and

(ix) When required by Subpart 1–12.9 of this title, the clause set forth in § 1–12.904–1 of this title shall be added.

(d) *Long form negotiated supply contracts.* Except as provided in paragraphs (b) and (c) of this section, Award/Contract (Standard Form 26) shall be used with Standard Form 32 (General Provisions (Supply Contract)) or with required nonpersonal services clauses and CG Form 2557A (Additional General Provisions to SF 32) or any other forms containing contract provisions which are prescribed by FPR and CGPR for entering into negotiated fixed-price contracts to which Subparts 1–7.1 of this title and 11–7.1 of this chapter are applicable.

(e) *Special negotiated contracts.* Award/Contract (Standard Form 26) may be used for special procurements where clauses other than those on DD ASPR Form 1270, or Standard Form 32 have been authorized. For example, personal and professional services contracts and contracts for mortuary services.

(f) *Corporate certificate.* Where a corporate certificate is considered necessary or desirable, it may be executed on a typed sheet, identified by contract number, and attached to Award/Contract (Standard Form 26).

(g) *Schedule and continuation sheet.* Standard Form 36 (Continuation Sheet) shall be used for the Schedule and Continuation Sheets (see § 11–16.101–50(d)).

(h) *Effective date.* The effective date shown on the Award/Contract (Standard Form 26) is the date agreed to by the contracting parties as the date on which the terms and conditions of the contract take effect. This date may be different from the signature dates and is used for such purposes as establishing a base time from which delivery schedules may be established (see § 1–1.316–4(a)(2) of this title). The effective date does not necessarily determine the fund obligation date which normally is the date when a mutually binding agreement is reached. If referred to in the contract schedule, the effective date shall always be identified as the "effective date" and should not be later than any performance or delivery dates set forth in the schedule. The effective date should be filled in prior to forwarding for contractor signature.

§ 11–16.202–51 Solicitation, Offer, and Award (Standard Form 33).

(a) *General.* The following forms are prescribed for use under the conditions set forth in paragraph (b) of this section in effecting negotiated fixed-price procurement of supplies:

(1) Solicitation, Offer, and Award (Standard Form 33);

(2) Solicitation Instructions and Conditions (Standard Form 33A);

(3) General Provisions (Supply Contract) (Standard Form 32);

(4) CG Form 2557A (Additional General Provisions to Standard Form 32);

(5) Continuation Sheet (see §11–16.101–50(d));

(6) Amendment of Solicitation/Modification of Contract (Standard Form 30) when need (see §11–16.202–52); and

(7) Award/Contract (Standard Form 26) when needed.

(b) *Conditions for use.* (1) The above forms (together with authorized contract provisions) shall be used in connection with the negotiation of fixed-price contracts for supplies when it appears desirable to commence negotiations by soliciting written offers which, if there is written acceptance by the Government, would create a binding contract without further action. Prospective offerors shall be requested to return not more than three signed copies of their offers.

(2) When offers have been submitted on Solicitation, Offer, and Award (Standard Form 33) and it is in the interest of the Government and is in accordance with § 1–3.805(a)(5) of this title to accept a prospective contractor's offer without further negotiation, price and other factors considered, award may be made by use of the Award portion of Standard Form 33. In such instances, the contract will consist of the appropriate documents listed in paragraph (a) of this section. Alternatively, award may be made by use of the Award portion of Standard Form 26 (see § 11–16.202–50).

(3) When an offer submitted by a prospective contractor leads to further negotiation, the resulting contract shall be prepared as a bilateral contract document on Award/Contract (Standard Form 26) in accordance with § 11–16.202–50, except that:

(i) If the circumstances are such that the prospective contractor can amend his offer in writing to reflect any necessary changes, the amended offer may be accepted by use of the Award portion of Solicitation, Offer, and Award (Standard Form 33) or the Award portion of Award/Contract (Standard Form 26); or

(ii) If all the terms and conditions agreed to as a result of such further negotiation are specifically and clearly set forth in identifiable writings but such writings are unsuitable or too voluminous to permit acceptance of the amended offer by use of the Award portion of either Standard Form 33 or 26 and if the circumstances of the procurement require prompt acceptance of the amended offer, such modified offer may be accepted by the issuance of a notice of award in substantially the format set forth below.

In cases of subdivision (i) of this subparagraph, the use of the Award portion of Standard Form 33 or 26 does not preclude the additional use of informal documents, including telegrams, as notices of award. In cases within subdivision (ii) of this subparagraph, all of the terms and conditions of the contract thereby created shall be, without change or modification, promptly consolidated into a bilateral contract document using Award/Contract (Standard Form 26) and a signed copy thereof shall be retained by the activity to be available to the General Accounting Office for audit purposes (see § 11–50.105).

NAME AND ADDRESS OF PURCHASING OFFICE

Date: _____.

NAME AND ADDRESS OF CONTRACTOR

Contract No. _____.

Gentlemen: Your offer dated _____ (in response to Solicitation No. _____, dated _____) as amended by (list and identify all documents or portions thereof, such as letters, telegrams, and printed matter, from the prospective contractor and the Government, which together set forth the terms and conditions of the contract) for the furnishing of _____, at a total price of $ _____, is accepted and award is hereby made.

A contract in the usual form, dated, and numbered as set forth above, incorporating all the terms and conditions of the contract hereby created is being prepared and will be forwarded to you in the near future.

This contract is authorized by and has been negotiated pursuant to 10 U.S.C. 2304 (a)( ).

UNITED STATES OF AMERICA
By: ----------
(Name) Contracting Officer

(4) Standard Form 32, if applicable, and any other general provisions may be attached to each of the Solicitation, Offer, and Award (Standard Form 33). Alternatively, only one copy of Standard Form 32 and any other general provisions need be furnished to each supplier for retention, if such provisions are specifically incorporated by reference in the Schedule including each form name, number and date. Provisions which are inapplicable to a particular procurement generally may be deleted by appropriate reference in an Alterations in Contract clause.

(5) When a cost breakdown is required in connection with an offer, the appropriate form of the DD Form 633 series shall be used to the extent provided in § 11–16.252.

(6) This paragraph does not preclude the use of the purchase order forms prescribed in Subpart 11–16.3 of this part.

(7) When it is necessary to issue an amendment to a solicitation for offers, Standard Form 30 shall be used.

§ 11–16.202–52 Amendment of Solicitation/Modification of Contract (Standard Form 30).

(a) *General.* This paragraph prescribes a single form for (1) amendment of solicitations (whether advertised or negotiated), and (2) modification of contracts (including purchase and delivery orders entered into on DD Form 1155 (see § 11–3.650–4).

(b) *Conditions for use.* This form shall be used for:

(1) Any amendment to a solicitation;

(2) Any change order issued pursuant to the Changes clause of a contract;

(3) Any other unilateral contract modification "CG" (see § 11–50.203(a)) "CG", except notices of termination (see § 1–8.801 of this title), issued pursuant to a contract provision authorizing such modification without the consent of the contractor;

(4) Administrative changes such as the correction of typographical mistakes, changes in the paying office, and changes in accounting and appropriation data; and

(5) Supplemental agreements "CG" as defined in § 11–50.203(c) "CG".

(c) *Continuation of amendments/modifications.* Standard Form 36 or a blank sheet of paper may be used for continuation of amendments/modifications (see § 11–16.101–50(d)).

4. Section 11–16.250 is revoked and new § 11–16.250 is added reading as follows:

§ 11–16.250 Instructions for preparation of forms for advertised and negotiated supply and services contracts (Standard Forms 33, 26, and 30).

§ 11–16.250–1 General.

The following information is applicable to all of the forms discussed in this section.

(a) *Dates.* All date entries shall be constructed with a 2-position numeric day, 3-position alpha month, and a 2-position numeric year; e.g., 05NOV66.

(b) *Self-explanatory blocks.* Self-explanatory blocks are not discussed.

§ 11–16.250–2 Solicitation, Offer, and Award (Standard Form 33).

Instructions for block entries are as follows:

Block No.	Title and/or instructions
2	*Solicitation No.*—For Small Business Restricted Advertising and other types of restricted advertising, the box "Advertised (IFB)" shall be checked after insertion of the appropriate Procurement number.
25	Although Small Business Restricted Advertising and other types of restricted advertising are to be treated as advertised procurements for the purpose of classification in block 2, such procurements are negotiated procurements (see § 1–1.706–8 of this title), and require the insertion of the appropriate negotiation authority in block 25.

§ 11–16.250–3 Award/Contract (Standard Form 26).

Instructions for block entries are as follows:

Block No.	Title and/or instructions
2	*Effective Date*—Not applicable to formal advertising. For negotiated procurements, see § 11–16.202–50(h).
9	*Discount for Prompt Payment*—Percentages will be expressed in whole numbers and decimals; e.g., 3.25 percent—10 days, 0.50 percent—20 days.
11	*Ship To/Mark For*—Multiple delivery points shall be shown in the Schedule and this block annotated to that effect. Any "Mark For" address for ultimate consignee shall be entered in this block.
14	*Accounting and Appropriation Data*—If multiple accounting classifications are applicable, enter adjacent to each classifications the line item number listed in block No. 15 applying to the appropriate classification.
15	*Item No.*—See ASPR, Section XX, Part 3.
16	*Supplies/Services*—When used as an acceptance, only the Item numbers of the solicitation need be set forth in the Schedule portion. Any modification made by the offeror to a solicitation which are accepted by the Government will be set forth in the Schedule.
22	If the form is being used as a negotiated bilateral contract pursuant to receipt of quotations on Request for Quotations (Standard Form 18) or informal means, and subsequent negotiations, if any, the box shall be checked and contractor shall be required to sign this document and return the prescribed number of copies to the issuing office.
26	If this form is being used as an acceptance (award) pursuant to receipt of a firm offer on Solicitation, Offer, and Award (Standard Form 33), the box shall be checked and contractor will not be required to sign this document.

§ 11–16.250–4 Amendment of Solicitation/Modification of Contract (Standard Form 30).

Instructions for block entries are as follows:

Block No.	Title and/or instructions
1	*Amendment/Modification No.*—(a) Amendment to each solicitation document shall be sequentially numbered by use of a four position numeric serial number supplementary to the basic solicitation number, commencing with 0001. (b) All contract modifications including supplemental agreements, minor modifications and change orders will be numbered consecutively commencing with number 1 for each contract.
2	*Effective Date.*—See § 11–16.202–50(h).
13	If the modification is a Change Order (11(a)) or Administrative Change (11(b)), the first box in this block shall be checked, and contractor's signature will not be required. If the modification is a Supplemental Agreement (11(c)), contractor's signature will be required, the second box shall be checked and the number of copies to be returned to issuing office shall be inserted.
17	Contracting Officer's signature is not required when amending a solicitation.

5. Section 11–16.251 is revoked and new § 11–16.251 is added, reading as follows:

§ 11–16.251 General Provisions-Fixed-Price Supply Contract (Standard Form 32).

Any negotiated contract to which Subparts 1–7.1 of this title and 11–7.1 of this chapter, are applicable will include Standard Form 32. The addition of other clauses set forth in Subparts 1–7.1 of this title and 11–7.1 of this chapter, or of other clauses not inconsistent with FPR or CGPR, shall be accomplished by including such clauses as "Additional General Provisions" numbered consecutively. The deletion or modification of clauses contained in the form or in the "Additional General Provisions" shall be accomplished by appropriate reference or provisions in an Alterations in Contract clause. These instructions must be read in conjunction with Subparts 1–7.1 of this title and 11–7.1 of this chapter, to make certain that current clauses are in use at all times.

Subpart 11–16.3 is revised to read as follows:

Subpart 11–16.3—Purchase and Delivery Order Forms

§ 11–16.300 Scope of subpart.

This part prescribes forms for use (a) when purchases are authorized or required to be made by the purchase order

or imprest fund method, and (b) as delivery orders.

§ 11–16.301 Order-invoice-voucher forms.

§ 11–16.301–1 Purchase Order-Invoice-Voucher (Standard Form 44).

Standard Form 44 is authorized for use to accomplish small purchases in accordance with § 1–3.605–1 of this title as implemented by § 11–3.605–1 of this chapter.

§ 11–16.301–2 Order for Supplies or Services (Standard Forms 147 and 148).

In lieu of the provisions of § 1–16.301–2 of this title, forms DD 1155, 1155r, 1155r–1, and 1155c–1, Order for Supplies or Services/Request for Quotations are prescribed for use in accordance with § 11–3.605–2.

§ 11–16.301–50 Blanket purchase order.

See Subpart 1–3.6 of this title and Subpart 11–3.6 of this chapter and particularly § 11–3.606–2 of this chapter.

§ 11–16.350 Receipt for Cash-Subvoucher (Standard Form 1165).

Standard Form 1165 may be used in connection with procurements by the imprest fund (petty cash) method in accordance with § 1–3.604 of this title and as implemented by § 11–3.604 of this chapter.

New Subpart 11–16.4 is added, reading as follows:

Subpart 11–16.4—Forms for Advertised Construction Contracts

§ 11–16.400 Scope of subpart.

This subpart sets forth instructions concerning forms for use in construction contracts, which are defined for the purpose of this subpart as contracts for the construction, alteration or repair (including dredging, excavating, and painting) of buildings, structures or other real property.

§ 11–16.401 Forms prescribed.

In addition to the forms prescribed by § 1–16.401 of this title, the following forms are prescribed for use in formally advertised construction contracts where the work is to be performed in the United States, its possessions, or Puerto Rico.

(a) CG Form 2557C (Additional General Provision to U.S. Standard Form 23–A).

(b) CG Form 2557C–1—Copeland Regulations for Contractors and Subcontractors on Public Building and Public Work and on Building and Work Financed in Whole or in Part by Loan or Grants from the United States (29 CFR Part 3).

(c) Standard Form 30—Amendment of Solicitation/Modification of Contract.

(d) Continuation sheet: There is no prescribed form of continuation sheet for construction contracts. A blank sheet, incorporating (1) the contract or invitation number, as appropriate; (2) page number and number of pages; and (3) name of bidder or contractor may be used for this purpose. Standard Form 36, Continuation Sheet (Supply Contract), shall not be used for construction contracts.

§ 11–16.402 Required use.

(a) Except as provided in § 1–12.403–2, the forms prescribed by §§ 1–16.401 of this title and 11–16.401 shall be used for fixed-price contracts, entered into pursuant to formal advertising, for construction (including alteration or repair) of public buildings or works, except for: Contracts for the alteration, or repair of vessels (see Subpart 11–16.50); and contracts for construction, alteration, or repair work in foreign countries.

(b) Determinations as to the form or forms to be used in soliciting bids in each instance shall be made in accordance with § 1–16.402 of this title as implemented by this § 11–16.402.

§ 11–16.402–1 Contracts estimated not to exceed $2,000.

Standard Forms 19 and 19–B shall be used for those contracts executed as a result of formal advertising. Standard Form 22 also may be used. Where it is indicated that the low bid may exceed $2,000, Standard Form 19–A should be attached, the specifications should include the appropriate wage rate determination, and the following language shall be inserted in the space provided in the bid portion of Standard Form 19 prior to the issuance of the invitation:

If this bid exceeds $2,000, the bidder shall furnish with his bid a bid guaranty in an amount equal to _____ percent of his bid; failure to submit the guaranty on time is cause for rejection of the bid. (December 1966)

When Standard Form 19 is used, progress payments may be made if the period of performance is greater than 1 month. However, if the period of performance is less than 1 month or the total contract amount does not warrant progress payments, a single payment may be made, in which case the contracting officer may indicate completion and final acceptance of the contract work by a stamped and signed statement to that effect on the face of the standard form and forwarding it to the cognizant accounting office for payment. The following statement may be used for this purpose:

I certify that the work and services furnished hereunder have been completed, inspected, and accepted as conforming to the contract requirements, and the amount is correct and proper for payment.

Signature and Title of Certifying Officer

§ 11–16.402–2 Contracts estimated to exceed $2,000 but not to exceed $10,000.

Standard Forms 19, 19–A, 19–B, and CG Forms 2557C and 2557C–1 shall be used for these construction contracts executed as a result of formal advertising. Standard Form 22 also may be used. The additional language set forth in § 11–16.402–1 shall be inserted in the bid portion of Standard Form 19 prior to issuance of the invitation. See § 1–16.402–2 of this title for provisions that are required where the Government's estimate, though less than $10,000, indicates the low bid may exceed that amount.

§ 11–16.402–3 Contracts estimated to exceed $10,000.

Standard Forms 19–A, 19–B, 20, 21, 22, 23, 23–A, and CG Forms 2557C and 2557C–1 shall be used for these construction contracts executed as a result of formal advertising. Strict compliance with the following instructions is required:

(a) *Standard Form 19–A.* This form together with CG Form 2557C–1 shall be attached to the contract file.

(b) *Standard Form 19–B.* This form shall be completed by the bidder and shall be attached to the contract file.

(c) *Standard Form 20 (Invitation for Bids).* (1) Bidders shall be requested to return only two signed copies of their bid. This form shall be completed by inserting the appropriate data on the face of the form. Invitations for bids shall contain the information required by §§ 1–2.201(a) of this title and 11–2.201 (a) and 11–2.201–50 of this chapter.

(2) All invitations for bids shall allow sufficient bidding time (i.e., the period of time between the date of distribution of an invitation for bids and the date set for opening of bids) to allow bidders an adequate opportunity to prepare and submit their bids, giving due regard for the construction season, the time necessary for bidders to inspect the site, obtain subcontract bids, examine data concerning the work and prepare estimates from plans and specifications.

(i) *Information regarding bidding material, bid guarantee and bonds.* Insert the following paragraphs on the face of the form:

(A) *Bid Bonds.* Each bidder shall submit with his bid a Bid Bond (Standard Form 24) with good and sufficient surety or sureties acceptable to the Government, or other security as provided in paragraph 4 of Instructions to Bidders (Standard Form 22) in the form of twenty percent (20%) of the bid price or $3,000,000 whichever is lesser. The bid bond penalty may be expressed in terms of a percentage of the bid price or may be expressed in dollars and cents.

(B) *Performance and Payment Bonds.* Within _____ days after the prescribed forms are presented to the bidder to whom award is made for signature, a written contract on the form prescribed by the specifications shall be executed and two bonds, each with good and sufficient surety or sureties acceptable to the Government, furnished; namely a Performance Bond (Standard Form 25) and a Payment Bond (Standard Form 25–A). The penal sums of such bonds will be as follows:

I. *Performance Bond.* The penal sum of the performance bond shall equal _____ percent (_____%) of the contract price. (Insert the appropriate percent determined in accordance with the provisions of § 1–10.104–1(b) of this title.)

II. *Payment Bond.*

a. When the contract price is $1,000,000 or less, the penal sum will be fifty percent (50%) of the contract price.

b. When the contract price is in excess of $1,000,000 but not more than $5,000,000, the penal sum shall be forty percent (40%) of the contract price.

c. When the contract price is more than $5,000,000, the penal sum shall be $2,500,000.

Any bonds furnished will be furnished by the contractor to the Government prior to commencement of contract performance.

(ii) *Additional information for bidders.*

(A) Additional information and instructions may be given to bidders by using the reverse side of Standard Form 20 or continuation sheets. If used, the reverse side of Standard Form 20, and each continuation sheet used, shall be headed:

READ THE FOLLOWING IN CONJUNCTION WITH THE INSTRUCTIONS TO BIDDERS, STANDARD FORM 22.

(B) When required by the instructions pertaining to the various paragraphs or by the procuring activity, a paragraph shall be inserted advising prospective bidders where complete drawings and specifications may be examined or copies obtained, information as to the charge, if any, to be made for the drawings and specifications, and the conditions under which they may be obtained. If a charge is made for the drawings and specifications, the following sentences shall be included: "Payment will be made by cash or check, or money order and delivered to District Commander (f) (or as applicable) Attention: Collection Clerk, _____. Checks and money orders should be made payable to "U.S. Coast Guard".

(C) Paragraph 10 of Standard Form 22, Instructions to Bidders reserves in the Government the right to accept any item or combination of items of a bid unless precluded by the invitation for bids or the bidder includes in his bid a restrictive limitation. However, in unit price contracts, although the work is set out in "items" for pay purposes, the nature of work is not normally such that multiple awards can be made on the basis of such items. Accordingly, for purposes of award, the work should be set up on a basis of schedules, each schedule comprised of a group of items which by their nature must be performed under a single contract. Thus, if the entire project is not susceptible of division among several contractors, the work will be set up as a single schedule. Conversely, if the work is of a nature that lends itself to multiple awards, the items will be grouped in separate and distinct schedules, each capable of being awarded as a separate contract.

(D) Where Standard Form 30, Amendment of Solicitation/Modification of Contract, is not used, each amendment to an invitation for bids shall contain a statement as follows:

NOTICE: Bidders are required to acknowledge receipt of this amendment on the bid form, in the space provided, or by separate letter or telegram prior to opening of bids. Failure to acknowledge all amendments may cause rejection of the bid.

(d) *Standard Form 21 (Bid Form).* This form shall be furnished to all bidders with the invitation for bids. If the work is divided into separate schedules a bidding schedule showing a breakdown for each such separate schedule should be attached to the invitiation for bids and a statement referring thereto made on Standard Form 21.

BIDDING SCHEDULE

(To be attached to bid form when required by Invitation for Bids)

Item No.	Description	Estimated quantity	Unit	Unit price	Estimated amount

(The following paragraphs shall be printed on the last page of the bidding schedule immediately below the schedule.)

NOTE: Use additional page if necessary. All extensions of the unit prices shown will be subject to verification by the Government. In case of variation between the unit price and the extension, the unit price will be considered to be the bid.

If a modification to a bid based on unit prices is submitted, which provides for a lump sum adjustment to the total estimated cost, the application of the lump sum adjustment to each unit price in the bid schedule must be stated. If it is not stated, the bidder agrees that the lump sum adjustment shall be applied on a pro rata basis to every unit price in the bid schedule.

(e) *Standard Form 22 (Instructions to Bidders).* A copy of this form should accompany each invitation for bids for the information of bidders.

(f) *Standard Form 23 (Construction Contract).* A copy of this form should be furnished bidders with the invitation for bids for information. The form shall be completed after award to the acceptable bidder and executed by the parties as the formal contract instrument.

(g) *Standard Form 23-A (General Provisions).* Standard Form 23-A with additional general provisions shall be attached to the executed contract. CG Form 2557C shall be used to provide additional general provisions in connection with Standard Form 23-A.

(h) *CG Form 2557C (Additional General Provisions to SF-23-A).* Additional general provisions or modifications to the General Provisions as authorized in Subpart 1-7.6 of this title and Subpart 11-7.6 of this chapter, may be added to this form. CG Form 2557C with any additional sheets necessary shall be attached together with SF-23-A to the executed contract.

(i) *Specifications.* Specifications consisting of technical and special provisions pertinent to the particular contract and contract drawings shall be attached to the above standard forms to complete the contract.

§ 11-16.403 Optional use for negotiated contracts.

Use of the forms prescribed in §§ 1-16.401 of this title and 11-16.401 is optional for negotiated construction contracts. When used for negotiated contracts, the forms shall be adopted by lining out or obliterating the words "sealed" and "publicly opened" and adding language to (a) indicate the authority for negotiation, and (b) provide that wherever the words "invitation" and "bid" occur they shall be deemed to refer to "solicitation" and "offer", respectively. The appropriate clauses required for negotiated contracts shall be added to the contract forms. For example, the "Examination of Records" clause in § 1-7.101-10 of this title, must be added if the negotiated contract exceeds $2,500.

§ 11-16.404 Terms, conditions, and provisions.

(a) The use of additional contract provisions consistent with those contained in the above forms is authorized and, where required elsewhere in this chapter, the use of such additional clauses is mandatory.

(b) Changes or additional provisions inconsistent with those contained in the standard forms shall be incorporated when required by this chapter or when approved by Commandant (F) pursuant to § 11-1.009-2(b) of this chapter. A copy of any such approval shall be forwarded by Commandant (F) to the General Services Administration.

(c) The provisions of paragraph (a) and (b) of this section shall not be construed as authorizing the reinstatement in Standard Form 19 of clauses which appear in Standard Form 23-A and which have either been condensed or omitted in the development of Standard Form 19 in the interests of uniformity or simplification. Where such reinstatement is deemed essential, it shall be treated as a deviation as provided in paragraph (b) of this section. Deviations are not required for the use with Standard Form 19 of clauses which, although not properly a part of Standard Form 23-A, accompany it when printed for use within the Coast Guard as CG Form 2557C.

(d) The "Disputes" clause of Standard Form 19 may be altered by inserting in the schedule or in the specifications, the following:

Alterations. As used in the "Disputes" clause of the General Provisions "head of the Federal agency" means the "Secretary" of the Treasury.

(e) Deletion or modification of provisions in the above forms shall be accomplished in the "Alterations" paragraph of Standard Form 23, or in an alterations paragraph added in the schedule of Standard Form 19, or in the specifications, as may be appropriate.

New Subpart 11-16.5 is added, reading as follows:

Subpart 11-16.5—Forms for Advertised and Negotiated Nonpersonal Service Contracts (Other Than Construction)

§ 11-16.500 Scope of subpart.

This subpart prescribes forms for use in advertised and negotiated nonpersonal service contracts other than construction.

§ 11-16.501 Contract forms.

§ 11-16.501-50 Forms for advertised services contracts.

The forms prescribed in §§ 1-16.101 of this title and 11-16.101 shall be used in

effecting procurements of nonpersonal services by formal advertising.

§ 11–16.501–51 Forms for negotiated services contracts.

The forms prescribed in §§ 1–16.101 and 1–16.201 of this title and 11–16.201 and 11–16.202 shall be used in effecting procurements of nonpersonal services by negotiation (other than small purchases). See Subpart 11–16.3 of this part concerning forms for use when making small purchases.

Subpart 11–16.8—Miscellaneous Forms

Sections 11–16.850, 11–16.850–1, and 11–16.850–2 are revoked.

§ 11–16.850 [Revoked]

§ 11–16.850–1 [Revoked]

§ 11–16.850–2 [Revoked]

Dated: May 1, 1967.

P. E. TRIMBLE,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[F.R. Doc. 67–5191; Filed, May 9, 1967; 8:46 a.m.]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 13]

EXAMINATION, MEASUREMENT, AND TESTING OF CERTAIN PRODUCTS

Average Brix Values of Natural Unconcentrated Fruit Juices in Trade and Commerce of U.S.

Headnote 3(b) to part 12A, Schedule 1, Tariff Schedules of the United States (19 U.S.C. 1202), provides that "The term 'reconstituted juice' means the product which can be obtained by mixing the imported concentrate with water in such proportion that the product will have a Brix value equal to that found by the Secretary of the Treasury from time to time to be the average Brix value of like natural unconcentrated juice in the trade and commerce of the United States."

The average Brix values so found are published in § 13.19 of the Customs Regulations (19 CFR 13.19).

Notice is given that it is now proposed to review the average Brix values referred to above, especially with respect to citrus fruit juices and other juices which are imported in substantial volume.

Interested parties are invited to submit in writing to the Commissioner of Customs, Washington, D.C. 20226, data, views, and comments with regard to the average Brix values. All submissions should be supported by factual data as to the average Brix value of like unconcentrated juice in the trade and commerce of the United States. To assure consideration, material submitted should be received not later than 30 days after the date of publication of this notice in the FEDERAL REGISTER. No hearing will be held.

[SEAL] LESTER D. JOHNSON,
Commissioner of Customs.

Approved: May 2, 1967.

TRUE DAVIS,
Assistant Secretary of the Treasury.

[F.R. Doc. 67-5218; Filed, May 9, 1967; 8:48 a.m.]

Internal Revenue Service

[26 CFR Parts 1, 301]

RETURN AND PAYMENT OF TAX WITHHELD ON NONRESIDENT ALIENS AND FOREIGN CORPORATIONS AND TAX-FREE COVENANT BONDS

Notice of Proposed Rule Making

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

WILLIAM H. SMITH,
Acting Commissioner of Internal Revenue.

In order to conform the Income Tax Regulations (26 CFR Part 1), and the Procedure and Administration Regulations (26 CFR Part 301), to the amendments of the Internal Revenue Code of 1954 made by sections 103(i) and 105 (f) of the Foreign Investors Tax Act of 1966 (80 Stat. 1554, 1567), such regulations are hereby amended as follows:

PARAGRAPH 1. Section 1.1441-4 is amended by revising paragraph (d)(3) to read as follows:

§ 1.1441-4 Exemptions from withholding.

* * * * *

(d) *Inhabitants of Virgin Islands.* * * *

(3) *Disposition of letter.* The duplicate copy of each letter of notification filed pursuant to subparagraph (2) of this paragraph shall be forwarded with a letter of transmittal to the Director of International Operations, Internal Revenue Service, Washington, D.C. 20225.

* * * * *

PAR. 2. Section 1.1461-2 is amended by revising the heading thereof and paragraphs (a), (b)(1), (c)(1), and (2) (i), and (e). These amended provisions read as follows:

§ 1.1461-2 Return of tax withheld.

(a) *Effective date.* This section shall apply only with respect to payments of income occurring after December 31, 1966.

(b) *Form 1042*—(1) *Filing requirement.* Every withholding agent shall make on or before March 15 an annual return on Form 1042 of the tax required to be withheld under chapter 3 of the Code during the preceding calendar year. Form 1042 is required to be made in respect of a calendar year, even though no tax was required to be withheld under such chapter during such year, if the withholding agent is required by paragraph (c)(1) of this section to make an information return on Form 1042S with respect to any payments made during such year. Form 1042 shall be filed with the Director of International Operations, Internal Revenue Service, Washington, D.C. 20225. The return shall be prepared in duplicate and shall show in summary form the tax required to be withheld under such chapter during the previous calendar year and to be shown on Forms 1000, 1001, and 1042S, and on all special variations of Form 1001 referred to in paragraph (i) of § 1.1461-1. If an adjustment is required on Form 1042 because of repayments of withheld tax pursuant to paragraph (a)(1) of § 1.1461-4, only the aggregate amount of such adjustment shall be shown thereon and no itemized explanation of such aggregate amount shall be required to accompany such form. See paragraph (b) of § 1.1461-4. The duplicate copy of Form 1042 shall be retained by the withholding agent.

* * * * *

(c) *Form 1042S*—(1) *Filing requirement.* Every withholding agent shall make on or before March 15 an annual information return on Form 1042S of all items of income specified in § 1.1441-2 paid during the previous calendar year to nonresident alien individuals, foreign partnerships, or foreign corporations, including such items as consist of (i) amounts upon which tax was required to be withheld under chapter 3 of the Code, (ii) amounts upon which tax would have been required to be withheld under such chapter but for the provisions of any exemption from withholding applicable under the authority of any income tax convention to which the United States is a party, statutory provision, Treasury regulation, or rule of the Commissioner, (iii) amounts in respect of which the tax withheld has, pursuant to such authority, been released or refunded to the payee by the withholding agent, and (iv) amounts (such as interest on certain governmental obligations described in section 103) which do not constitute gross income in whole or in part, to the owner of such amounts. Form 1042S is not required, however, in respect of amounts which do not constitute gross income from sources within the United States (unless such amounts are treated as not being gross income from sources within the United States by authority of paragraph (1), (2), or (3), of section 861(a)), or in respect of amounts required to be shown on Form W-2, Form 1001, or on any special variation of Form 1001 referred to in paragraph (i) of § 1.1461-1, or the substitute

thereof. However, a return under this subparagraph is required on Form 1042S (rather than on Form W–2) in respect of amounts which otherwise would be required to be shown on Form W–2 solely by reason of § 1.6041–2 (relating to return of information as to payments to employees) or § 1.6052–1 (relating to information regarding payments of wages in the form of group-term life insurance). The original and duplicate copies of Form 1042S shall accompany Form 1042 and shall be filed with the Director of International Operations, Internal Revenue Service, Washington, D.C. 20225.

(2) *Information to be furnished.* (i) Form 1042S shall show the name and address of the payee of the income, of the withholding agent, of the agent for the withholding agent, and of the payer of the income if the payer is not the same as the withholding agent. It shall also show the nature of the item of income paid, the gross amount of the item, and, if withholding upon that item is required under chapter 3 of the Code, the rate of tax applicable thereto and the amount of tax withheld. If there has been a release, reimbursement, or refund to the payee of any part of the tax withheld, Form 1042S shall show the amount of tax so released, reimbursed, or refunded.

* * * * *

(e) *Penalties.* For penalties and additions to the tax attaching upon failure to file returns of tax, see sections 6651 and 7203.

* * * * *

PAR. 3. Section 1.1461–3 is deleted and the following new sections are inserted in lieu thereof:

§ 1.1461–3 Payment of withheld tax.

(a) *Payments of tax.* Every withholding agent who, pursuant to chapter 3 of the Code, withholds tax during any calendar quarter beginning after December 31, 1966, shall, to the extent such amounts have not been deposited pursuant to § 1.6302–2 with a Federal Reserve bank or an authorized commercial bank, pay such withheld tax to the Director of International Operations, Internal Revenue Service, Washington, D.C. 20225, on or before the last day of the first calendar month following the close of the calendar quarter. Any amounts required to be paid to the Director of International Operations pursuant to this paragraph shall be made with quarterly transmittal Form 4277 prescribed by paragraph (b)(2) of § 1.6302–2, even though the withholding agent has made no deposits pursuant to paragraph (a) of § 1.6302–2 and thus has no validated depositary receipts to accompany that transmittal form.

(b) *Penalties for failure to pay tax.* For penalties and additions to the tax for failure to pay the tax required to be withheld under chapter 3 of the Code, see sections 6653 and 7202.

(c) *Deposits of tax.* For provisions relating to the use of Federal Reserve banks or authorized commercial banks for the deposit of tax required to be withheld under chapter 3 of the Code, see § 1.6302–2.

§ 1.1461–4 Adjustments for overwithholding of tax.

(a) *Repayment of erroneously withheld tax after payment of tax by withholding agent—(1) Repayment of tax to payee.* If, in any payment period (as defined in paragraph (c) of this section) occurring in a calendar year, a withholding agent (i) withholds from amounts paid to any person more than the correct amount of tax required to be withheld under chapter 3 of the Code and (ii) makes a payment or deposit of the amount of such overwithholding as provided in § 1.1461–3 or § 1.6302–2, the withholding agent may repay such amount, at any time before filing Form 1042 for such calendar year, to the person from whose income such amount was withheld. If the amount of the overwithholding is repaid to the person entitled to such amount, the withholding agent shall obtain the written receipt of such person in duplicate, showing the date and amount of the repayment. The duplicate copy of such receipt shall be attached to the Form 1042S required by paragraph (c)(1) of § 1,1461–2 in respect of the item of income on which the overwithholding occurred. This subparagraph shall not apply in any case where its application would be contrary to any regulation under an income tax convention to which the United States is a party.

(2) *Reimbursement of payee.* If the withholding agent does not repay the amount of the overwithholding pursuant to subparagraph (1) of this paragraph, the withholding agent may reimburse the person entitled to such amount by applying the amount of the overwithholding against any tax which otherwise would be required under chapter 3 of the Code to be withheld from income paid by the withholding agent to such person before filing Form 1042 for the calendar year in which such overwithholding occurred. For purposes of making a return on Form 1042 and for purposes of making a payment or deposit of the amount withheld, the reduced amount so withheld shall be considered the amount required to be withheld from such income under chapter 3 of the Code.

(b) *Adjustment of tax payments or deposits.* If, pursuant to paragraph (a)(1) of this section, a withholding agent repays a person the amount of tax overwithheld from such person under chapter 3 of the Code during any payment period of the calendar year, the withholding agent may reduce, by the amount so overwithheld, the amount of any payment or deposit of tax required by § 1.1461–3 or paragraph (a) of § 1.6302–2 to be made by the withholding agent for any subsequent payment period occurring before the end of the calendar year following the calendar year of overwithholding. The reduction of a payment or deposit of tax for a payment period occurring in the calendar year following the calendar year of overwithholding shall be made only if the withholding agent files, on his Form 1042 for the calendar year of overwithholding, a claim for credit in accordance with paragraph (b) of § 1.6414–1. The application of this paragraph may be illustrated by the following examples:

Example (1). (a) A is a nonresident alien individual who is a resident of the United Kingdom. In December 1967, domestic corporation M pays a dividend of $100 to A, at which time M Corporation withholds $30 and remits the balance of $70 to A. On February 16, 1968, A advises M Corporation that, pursuant to the income tax convention with the United Kingdom, only $15 tax should have been withheld from the $100 dividend and requests repayment of the $15 which was erroneously withheld. Although M Corporation has already paid the $30 which was withheld to the Director of International Operations as required by § 1.1461–3, such corporation repays A in the amount of $15 and obtains from him a written receipt in duplicate for the amount so repaid.

(b) During 1967 M Corporation makes no other payments upon which tax is required to be withheld under chapter 3 of the Code; accordingly, its return on Form 1042 for such year, which is filed on March 15, 1968, shows total tax withheld of $30, which is reduced by an adjustment of $15 for the amount repaid to A, an adjusted total tax withheld of $15, and $30 previously paid for such year. Pursuant to paragraph (b) of § 1.6414–1, M Corporation claims credit for the overpayment of $15 is shown on the Form 1042 for 1967. Accordingly, it is permitted to reduce by $15 any payment or deposit required by § 1.1461–3 or § 1.6302–2 to be made of tax withheld during 1968. The Form 1042S required to be filed by M Corporation with respect to the dividend of $100 paid to A in 1967 is required to show tax withheld of $30 and tax released of $15; in addition, the duplicate copy of the receipt received from A for the repayment of $15 is required to be attached to such form. The Form 1042S is required to accompany the Form 1042 for 1967 which is filed on March 15, 1968. No additional explanation is required to be filed with the Form 1042 for 1967 in support of the $15 adjustment claimed thereon.

(c) During 1968 M Corporation is required to withhold under chapter 3 of the Code $300, all of such amount being withheld in June of that year. Pursuant to § 1.6302–2, M Corporation deposits on July 15, 1968, the amount of $285, that is, $300 less the $15 for which credit is claimed on the Form 1042 for 1967. On March 15, 1969, M Corporation files its return on Form 1042 for 1968, which shows total tax withheld of $300, $285 previously deposited by M Corporation, and $15 allowable credit.

Example (2). The facts are the same as in example (1) except that paragraph (c) of such example does not apply and that M Corporation is required to deposit on a semimonthly basis the tax withheld under chapter 3 of the Code during the first quarter of 1968. M Corporation withholds tax of $100 between February 15, and February 29, 1968, and complies with the semimonthly deposit requirement of paragraph (a)(2) of § 1.6302–2 by depositing $75 [($100×90 percent) less $15] of the withheld tax by March 5, 1968 (3 banking days after Feb. 29, 1968) and by depositing $10 [($100–$15) less $75] by March 20, 1968 (3 banking days after Mar. 15, 1968).

(c) *Definition.* For purposes of this section the term "payment period" means (1) (i) a calendar month or (ii) a semimonthly period, as the case may be, with respect to which the withholding agent

is required by paragraph (a) of § 1.6302–2 to make a deposit of tax withheld under chapter 3 of the Code, or (2) a calendar quarter with respect to which he is required by § 1.1461–3 to make a payment of such tax.

(d) *Effective date.* This section shall apply to tax required to be withheld after 1966.

PAR. 4. Section 1.1464–1 is amended to read as follows:

§ 1.1464–1 Refunds or credits.

(a) *In general.* The refund or credit under chapter 65 of the Code of an overpayment of tax which has actually been withheld at the source under chapter 3 of the Code shall be made to the taxpayer from whose income the amount of such tax was in fact withheld. To the extent that the overpayment under chapter 3 was not in fact withheld at the source, but was paid, by the withholding agent the refund or credit under chapter 65 of the overpayment shall be made to the withholding agent. Thus, where a debtor corporation assumes liability pursuant to its tax-free covenant for the tax required to be withheld under chapter 3 upon interest and pays the tax in behalf of its bondholder, and it can be shown that the bondholder is not in fact liable for any tax, the overpayment of tax shall be credited or refunded to the withholding agent in accordance with chapter 65 since the tax was not actually deducted and withheld from the interest paid to the bondholder. In further illustration, where a withholding agent who is required by chapter 3 to withhold $300 tax from rents paid to a nonresident alien individual mistakenly withholds $320 and mistakenly pays $350 as internal revenue tax, the amount of $30 shall be credited or refunded to the withholding agent in accordance with chapter 65 and the amount of $20 shall be credited or refunded in accordance with such chapter to the person from whose income such amount has been withheld.

(b) *Tax repaid to payee.* For purposes of this section and § 1.6414–1, any amount of tax withheld under chapter 3 of the Code, which, pursuant to paragraph (a)(1) of § 1.1461–4, is repaid by the withholding agent to the person from whose income such amount was erroneously withheld shall be considered as tax which, within the meaning of sections 1464 and 6414, was not actually withheld by the withholding agent.

PAR. 5. Section 1.1465–1 is amended by revising paragraphs (a) and (b)(3) and by adding a new paragraph (d). These amended and added provisions read as follows:

§ 1.1465–1 General provisions relating to withholding agents.

(a) *Withholding agent defined*—(1) *In general.* For purposes of chapter 3 of the Code, the term "withholding agent" includes every person who pays an item of income specified in § 1.1441–2 to a nonresident alien individual, foreign partnership, or foreign corporation, even though tax is not required by such chapter to be withheld from such item. Thus, for example, for purposes of the return requirements prescribed by § 1.1461–2, the term includes an employer, as defined in § 31.3401(d)–1 of this chapter (Employment Tax Regulations), to the extent such employer pays remuneration for services performed in the United States by a nonresident alien individual and such remuneration is excepted from the term "wages" under paragraph (c) or (e) of § 31.3401(a)(6)–1 of this chapter.

(2) *U.S. obligations.* In the case of interest on obligations of the United States or of any agency or instrumentality thereof the withholding agent shall be—

(i) The Commissioner of the Public Debt, for interest paid by checks issued through the Bureau of the Public Debt.

(ii) The Treasurer of the United States, for all interest paid by him, whether by check or otherwise, and

(iii) Each Federal Reserve bank, for all interest paid by it, whether by check or otherwise.

(b) *Person designated to act for withholding agent.* * * *

(3) If a duly authorized withholding agent has become insolvent or for any other reason fails to make payment of money deposited with it by the debtor corporation to pay tax required to be withheld under chapter 3 of the Code, or of money withheld under such chapter from bondholders, the debtor corporation is not discharged of its liability under such chapter since the withholding agent is merely the agent of the debtor corporation.

* * * * *

(d) *Effective date.* This section shall apply to payments of income made in taxable years of recipients beginning after December 31, 1966.

PAR. 6. Section 1.6011–1 is amended by adding a new paragraph (c) to read as follows:

§ 1.6011–1 General requirement of return, statement, or list.

* * * * *

(c) *Tax withheld on nonresident aliens and foreign corporations.* For requirements respecting the return of the tax required to be withheld under chapter 3 of the Code on nonresident aliens and foreign corporations and tax-free covenant bonds, see § 1.1461–2.

PAR. 7. Section 1.6091–1 is amended by adding a new paragraph (b)(15) to read as follows:

§ 1.6091–1 Place for filing returns or other documents.

* * * * *

(b) *Place for filing certain information returns.* * * *

(15) For the place for filing information returns on Form 1042S with respect to certain amounts paid to nonresident alien individuals, foreign partnerships, or foreign corporations, see paragraph (c) of § 1.1461–2.

PAR. 8. Section 1.6091–3 is amended by adding a new paragraph (g) to read as follows:

§ 1.6091–3 Income tax returns required to be filed with Director of International Operations.

* * * * *

(g) The return by a withholding agent of the income tax required to be withheld at source under chapter 3 of the Code on nonresident aliens and foreign corporations and tax-free covenant bonds, as provided in § 1.1461–2.

PAR. 9. Section 1.6151–1 is amended by revising paragraph (d) to read as follows:

§ 1.6151–1 Time and place for paying tax shown on returns.

* * * * *

(d) *Use of Government depositaries.* (1) For provisions relating to the use of Federal Reserve banks or authorized commercial banks in depositing income and estimated income taxes of certain corporations, see § 1.6302–1.

(2) For provisions relating to the use of such banks for the deposit of taxes required to be withheld under chapter 3 of the Code on nonresident aliens and foreign corporations and tax-free covenant bonds, see § 1.6302–2.

PAR. 10. There is inserted immediately after § 1.6302–1 the following new section:

§ 1.6302–2 Use of Government depositaries for payment of tax withheld on nonresident aliens and foreign corporations.

(a) *Time for making deposits*—(1) *Monthly deposits.* Except as provided in subparagraph (2) of this paragraph, every withholding agent who, pursuant to chapter 3 of the Code, withholds during any calendar month other than the last month of a calendar quarter more than $100 in the aggregate shall deposit such aggregate amount with a Federal Reserve bank within 15 days after the close of such calendar month.

(2) *Semimonthly deposits.* Every withholding agent who, pursuant to chapter 3 of the Code, withholds during any calendar month of a calendar quarter more than $2,500 in the aggregate shall deposit any tax, which is required to be withheld under such chapter during any semimonthly period of the next succeeding calendar quarter, in a Federal Reserve bank within 3 banking days after the close of the semimonthly period during which the amounts to which such withholding relates are paid. For purposes of this subparagraph, the term "semimonthly period" means the first 15 days of a calendar month or a part of a calendar month following the 15th day of such month. A withholding agent will be considered to have complied with the deposit requirements of this subparagraph in respect of any semimonthly period if (i) his deposit for such semimonthly period is made within the time otherwise prescribed, (ii) is not less than 90 percent of the aggregate amount of the tax required to be withheld under chapter 3 of the Code during such semimonthly period, and (iii) if such semimonthly period occurs in a calendar month other

than the last month in a calendar quarter, he deposits, within 3 banking days after the 15th day of the month following such calendar month, the balance of any amount withheld during such calendar month and not previously deposited. In a case where an adjustment in the amount of a deposit for a semimonthly period is allowed pursuant to paragraph (b) of § 1.1461–4, the 90-percent requirement of subdivision (ii) of this subparagraph will be considered met if the deposit for such period is not less than 90 percent of the aggregate amount of tax required to be withheld during such semimonthly period (determined without regard to such adjustment), reduced by the amount of such adjustment. See paragraph (b) of § 1.1461–4 and example (2) thereunder. For determining the amount of tax required to be withheld under chapter 3 of the Code where there has been a reimbursement of overwithheld tax, see paragraph (a)(2) of § 1.1461–4.

(3) *Transitional rules.* Notwithstanding the provisions of § 1.1461–3 and of subparagraph (1) or (2) of this paragraph, the aggregate amount of tax required to be withheld under chapter 3 of the Code by any withholding agent after December 31, 1966, and before June 1, 1967, shall be deposited with a Federal Reserve bank on or before June 15, 1967. For the purpose of paragraph (b)(2) of this section any amount deposited in accordance with the requirement of this subparagraph shall be considered as if it were deposited with respect to amounts withheld during the calendar quarter beginning April 1, 1967.

(4) *Cross reference.* For rules relating to the adjustment of deposits see § 1.1461–4(b) and § 1.6414–1. For rules requiring quarterly payment of any undeposited tax, see § 1.1461–3.

(b) *Depositary receipts*—(1) *Remittance with receipt form.* Any withholding agent required under paragraph (a) of this section to make deposits of tax withheld may make one, or more than one, remittance of the amount required by such paragraph to be deposited for any period. Each remittance shall be accompanied by a Federal Depositary Receipt (Form 450), which shall be prepared in accordance with the instructions applicable thereto. The withholding agent shall forward the remittance, together with the depositary receipt, to a Federal Reserve bank or, at his election, to a commercial bank authorized in accordance with Treasury Department Circular No. 848, 31 CFR Part 213, to accept remittances of tax for transmission to a Federal Reserve bank. After the Federal Reserve bank has validated the depositary receipt, the depositary receipt will be returned to the withholding agent. For purposes of this subparagraph Form 450 and Treasury Department Circular No. 848 shall be deemed to apply to the tax required to be withheld under chapter 3 of the Code.

(2) *Quarterly transmission of depositary receipts.* Every withholding agent making deposits pursuant to paragraph (a) of this section shall forward the validated depositary receipts to the Director of International Operations, Internal Revenue Service, Washington, D.C. 20225, on or before the last day of the first calendar month following the close of the calendar quarter during which the tax was withheld to which such receipts apply. The depositary receipts shall be forwarded with quarterly transmittal Form 4277, which shall be prepared in accordance with the instructions applicable thereto and shall identify the withholding agent for whose account such transmittal form is made. In order to secure a proper crediting of deposits or payments of tax for the account of a withholding agent against the tax liability of such withholding agent, the identification of the withholding agent on the quarterly transmittal Form 4277 must conform to the identification of the withholding agent on the annual return of tax on Form 1042 required by paragraph (b) of § 1.1461–2.

(3) *Voluntary deposits.* An amount of tax which is not required by paragraph (a) of this section to be deposited may be deposited if the withholding agent so desires. If such a voluntary deposit is made, the withholding agent shall make it in ample time to enable the Federal Reserve bank to return the validated receipt to the withholding agent so that it can be transmitted to the Internal Revenue Service in accordance with subparagraph (2) of this paragraph.

(4) *Separation of deposits by calendar years.* A deposit required by paragraph (a) of this section for any period occurring in one calendar year shall be made separately from any deposit for any period occurring in another calendar year.

(c) *Procurement of depositary receipt form.* Initially, the Federal Depositary Receipt (Form 450) will, so far as possible, be furnished to the withholding agent by the Internal Revenue Service. A withholding agent who is not furnished the proper form should apply to his district director for such form in ample time to have it available for use in making his initial deposit within the time prescribed by paragraph (a) of this section. Thereafter, a blank form will be sent to the withholding agent by the Federal Reserve bank when it returns the validated depositary receipt. A withholding agent may secure additional forms from a Federal Reserve bank by applying for them and advising the bank of his employer identification number. The identification of the withholding agent on each depositary receipt shall conform to the identification of the withholding agent on the return on Form 1042 required by paragraph (b) of § 1.1461–2 and on quarterly transmittal Form 4277 required by paragraph (b)(2) of this section. The address of the withholding agent, as entered on each depositary receipt, shall be the address to which the receipt should be returned following validation by the Federal Reserve bank.

(d) *Penalties for failure to make deposits.* For provisions relating to the penalty for failure to make a deposit within the time prescribed by this section, see § 301.6656–1 of this chapter (Procedure and Administration Regulations).

(e) *Saturday, Sunday, or legal holidays.* For provisions relating to the time for performance of acts where the last day falls on Saturday, Sunday, or a legal holiday, see § 301.7503–1 of this chapter (Procedure and Administration Regulations).

(f) *Employer identification number.* For the definition of the term "employer identification number", see § 301.7701–12 of this chapter (Procedure and Administration Regulations). For provisions relating to the penalty for failure to include the employer identification number in a return, statement, or other document, see § 301.6676–1 of such chapter.

(g) *Effective date.* This section shall apply to tax required to be withheld under chapter 3 of the Code after 1966.

PAR. 11. There are inserted immediately after § 1.6411–4 the following new sections:

§ 1.6414 Statutory provisions; income tax withheld.

SEC. 6414. *Income tax withheld.* In the case of an overpayment of tax imposed by chapter 24, or by chapter 3, refund or credit shall be made to the employer or to the withholding agent, as the case may be, only to the extent that the amount of such overpayment was not deducted and withheld by the employer or withholding agent.

§ 1.6414–1 Credit or refund of tax withheld on nonresident aliens and foreign corporations.

(a) *In general.* Any withholding agent who for the calendar year pays more than the correct amount of—

(1) Tax required to be withheld under chapter 3 of the Code, or

(2) Interest, addition to the tax, additional amount, or penalty with respect to such tax,

may file a claim for credit or refund of the overpayment in the manner and subject to the conditions stated in the Procedure and Administration Regulations (Part 301 of this chapter) under section 6402, or may claim credit for the overpayment as provided in paragraph (b) of this section.

(b) *Claim for credit on Form 1042.* The withholding agent may claim credit of an overpayment described in paragraph (a) of this section for any calendar year by showing the amount of overpayment on the return on Form 1042 for such calendar year, which shall constitute a claim for credit under this paragraph. The claim for credit shall be evidenced by a statement on the return setting forth the amount determined as an overpayment and showing such other information as may be required by the instructions relating to the return. The amount so claimed as a credit may be applied, to the extent it has not been applied under paragraph (b) of § 1.1461–4, by the withholding agent to reduce the amount of a payment or deposit of tax required by § 1.1461–3 or paragraph (a) of § 1.6302–2 for any payment period occurring in the calendar year following the calendar year of overwithholding. The amount so claimed as a credit shall also be entered on the annual return on Form 1042 for the calendar year following the calendar year of overwithholding

and shall be applied as a payment on account of the tax shown on such form. If the withholding agent files a claim for credit or refund of the overpayment on Form 843 in accordance with § 301.6402–2 of this chapter (Procedure and Administration Regulations), or a claim for refund of the overpayment on Form 1042 in accordance with § 301.6402–3 of such chapter, he may not claim credit for the overpayment under this paragraph.

(c) *Overpayment of amounts actually withheld.* No credit or refund to the withholding agent shall be allowed for the amount of any overpayment of tax which, after taking into account paragraph (b) of § 1.1464–1, the withholding agent has actually withheld from an item of income under chapter 3 of the Code.

PAR. 12. Section 301.6302–1 is amended to read as follows:

§ 301.6302–1 Mode or time of collection of taxes.

(a) *Employment and excise taxes.* For provisions relating to the mode or time of collection of certain employment and excise taxes and the use of Federal Reserve banks and authorized commercial banks in connection with the payment thereof, see the regulations relating to the particular tax.

(b) *Income taxes.* (1) For provisions relating to the use of Federal Reserve banks or authorized commercial banks in depositing income and estimated income taxes of certain corporations, see § 1.6302–1 of this chapter (Income Tax Regulations).

(2) For provisions relating to the use of Federal Reserve banks or authorized commercial banks in depositing the tax required to be withheld under chapter 3 of the Code on nonresident aliens and foreign corporations and tax-free covenant bonds, see § 1.6302–2 of this chapter.

PAR. 13. Section 301.6414–1 is revised to read as follows:

§ 301.6414–1 Income tax withheld.

(a) For rules relating to the refund or credit of income tax withheld under chapter 3 of the Code on nonresident aliens and foreign corporations and tax-free covenant bonds, see § 1.6414–1 of this chapter (Income Tax Regulations).

(b) For rules relating to the refund or credit of income tax withheld under chapter 24 of the Code from wages, see § 31.6414–1 of this chapter (Employment Tax Regulations).

PAR. 14. Section 301.6501(b) is amended by revising paragraphs (1) and (2) of section 6501(b), by adding a new paragraph (4) to section 6501(b), and by adding a historical note. These amended and added provisions read as follows:

§ 301.6501(b) Statutory provisions; limitations on assessment and collection; time return deemed filed.

SEC. 6501. *Limitations on assessment and collection.* * * *

(b) *Time return deemed filed.*—(1) *Early return.* For purposes of this section, a return of tax imposed by this title, except tax imposed by chapter 3, 21, or 24, filed before the last day prescribed by law or by regulations promulgated pursuant to law for the filing thereof, shall be considered as filed on such last day.

(2) *Return of certain employment taxes and tax imposed by chapter 3.* For purposes of this section, if a return of tax imposed by chapter 3, 21, or 24 for any period ending with or within a calendar year is filed before April 15 of the succeeding calendar year, such return shall be considered filed on April 15 of such calendar year.

* * * * *

(4) *Return of excise taxes.* For purposes of this section, the filing of a return for a specified period on which an entry has been made with respect to a tax imposed under a provision of subtitle D (including a return on which an entry has been made showing no liability for such tax for such period) shall constitute the filing of a return of all amounts of such tax which, if properly paid, would be required to be reported on such return for such period.

* * * * *

(Sec. 6501(b) as amended by sec. 810(a), Excise Tax Reduction Act 1965 (79 Stat. 169); sec. 105(f)(3), Foreign Investors Tax Act 1966 (80 Stat. 1568))

PAR. 15. Section 301.6501(b)–1 is amended by revising paragraphs (a) and (b). These amended provisions read as follows:

§ 301.6501(b)–1 Time return deemed filed for purposes of determining limitations.

(a) *Early return.* Any return, other than a return of tax referred to in paragraph (b) of this section, filed before the last day prescribed by law or regulations for the filing thereof (determined without regard to any extension of time for filing) shall be considered as filed on such last day.

(b) *Returns of social security tax and of income tax withholding.* If a return on or after November 13, 1966, of tax imposed by chapter 3 of the Code (relating to withholding of tax on nonresident aliens and foreign corporations and tax-free covenant bonds), or if a return of tax imposed by chapter 21 of the Code (relating to the Federal Insurance Contributions Act) or by chapter 24 of the Code (relating to collection of income tax at source on wages), for any period ending with or within a calendar year is filed before April 15 of the succeeding calendar year, such return shall be deemed filed on April 15 of such succeeding calendar year. For example, if quarterly returns of the tax imposed by chapter 24 of the Code are filed for the four quarters of 1955 on April 30, July 31, and October 31, 1955, and on January 31, 1956, the period of limitation for assessment with respect to the tax required to be reported on such return is measured from April 15, 1956. However, if any of such returns is filed after April 15, 1956, the period of limitation for assessment of the tax required to be reported on that return is measured from the date it is in fact filed.

* * * * *

PAR. 16. Section 301.6513 is amended by revising subsections (b) and (c) of section 6513 and by adding a historical note. These amended and added provisions read as follows:

§ 301.6513 Statutory provisions; time return deemed filed and tax considered paid.

SEC. 6513. *Time return deemed filed and tax considered paid.* * * *

(b) *Prepaid income tax.* For purposes of section 6511 or 6512—

(1) Any tax actually deducted and withheld at the source during any calendar year under chapter 24 shall, in respect of the recipient of the income, be deemed to have been paid by him on the 15th day of the fourth month following the close of his taxable year with respect to which such tax is allowable as a credit under section 31.

(2) Any amount paid as estimated income tax for any taxable year shall be deemed to have been paid on the last day prescribed for filing the return under section 6012 for such taxable year (determined without regard to any extension of time for filing such return).

(3) Any tax withheld at the source under chapter 3 shall, in respect of the recipient of the income, be deemed to have been paid by such recipient on the last day prescribed for filing the return under section 6012 for the taxable year (determined without regard to any extension of time for filing) with respect to which such tax is allowable as a credit under section 1462. For this purpose, any exemption granted under section 6012 from the requirement of filing a return shall be disregarded.

(c) *Return and payment of social security taxes and income tax withholding.* Notwithstanding subsection (a), for purposes of section 6511 with respect to any tax imposed by chapter 3, 21, or 24—

(1) If a return for any period ending with or within a calendar year is filed before April 15 of the succeeding calendar year, such return shall be considered filed on April 15 of such succeeding calendar year; and

(2) If a tax with respect to remuneration or other amount paid during any period ending with or within a calendar year is paid before April 15 of the succeeding calendar year, such tax shall be considered paid on April 15 of such succeeding calendar year.

* * * * *

(Sec. 6513 as amended by sec. 105(f) (1) and (2), Foreign Investors Tax Act 1966 (80 Stat. 1567))

PAR. 17. Section 301.6513–1 is amended by revising paragraphs (a), (b), and (c) to read as follows:

§ 301.6513–1 Time return deemed filed and tax considered paid.

(a) *Early return or advance payment of tax.* For purposes of section 6511, a return filed before the last day prescribed by law or regulations for the filing thereof shall be considered as filed on such last day. For purposes of section 6511 (b)(2) and (c) and section 6512, payment of any portion of the tax made before the last day prescribed for payment shall be considered made on such last day. An extension of time for filing a return or for paying any tax, or an election to pay any tax in installments, shall not be given any effect in determining under this section the last day prescribed for filing a return or paying any tax.

(b) *Prepaid income tax.* For purposes of section 6511 (relating to limitations on credit or refund) or section 6512 (relating to limitations in case of petition to Tax Court)—

(1) Any tax actually deducted and withheld at the source during any calendar year under chapter 24 of the Code (relating to collection of income tax at source on wages) shall, in respect of the recipient of the income, be deemed to have been paid by him on the 15th day of the fourth month following the close of his taxable year with respect to which such tax is allowable as a credit under section 31 (relating to tax withheld on wages),

(2) Any amount paid as estimated income tax for any taxable year shall be deemed to have been paid on the last day prescribed for filing the income tax return under section 6012 for such taxable year (determined without regard to any extension of time for filing such return), and

(3) Any tax withheld at the source on or after November 13, 1966, under chapter 3 of the Code (relating to tax withheld on nonresident aliens and foreign corporations and tax-free covenant bonds) shall, in respect of the recipient of the income, be deemed to have been paid by such recipient on the last day prescribed for filing his income tax return under section 6012 for the taxable year (determined without regard to any extension of time for filing such return) with respect to which such tax is allowable as a credit under section 1462 (relating to withheld tax as credit to recipient of income).

Subparagraph (3) of this paragraph shall apply even though the recipient of the income has been granted under section 6012 and the regulations thereunder an exemption from the requirement of making an income tax return for the taxable year.

(c) *Return and payment of social security taxes and income tax withholding.* Notwithstanding paragraph (a) of this section, if a return (or payment) on or after November 13, 1966, of tax imposed by chapter 3 of the Code (relating to withholding of tax on nonresident aliens and foreign corporations and tax-free covenant bonds), or if a return (or payment) of tax imposed by chapter 21 of the Code (relating to the Federal Insurance Contributions Act) or by chapter 24 of the Code (relating to the collection of income tax at source on wages), for any period ending with or within a calendar year is filed or paid before April 15 of the succeeding calendar year, for purposes of section 6511 (relating to limitations on credit or refund) the return shall be considered filed, or the tax considered paid, on April 15th of such succeeding calendar year.

* * * * *

PAR. 18. Section 301.6656–1 is amended by revising paragraph (a) to read as follows:

§ 301.6656–1 Failure to make deposit of taxes.

(a) *Penalty.* (1) In case of failure by any person required by the Code or regulations prescribed thereunder to deposit any tax in a Government depositary, as is authorized under section 6302(c), within the time prescribed therefor, a penalty shall be imposed on such person unless such failure is shown to the satisfaction of the district director, the Director of International Operations, or the director of the regional service center, as the case may be, to be due to reasonable cause and not to willful neglect. The penalty shall be 1 percent of the amount of the underpayment if the failure is for not more than 1 month, with an additional 1 percent for each additional month or fraction thereof during which failure continues, not to exceed 6 percent in the aggregate. For purposes of this section, the term "underpayment" means the amount of tax required to be deposited less the amount, if any, which was deposited on or before the date prescribed therefor, and the term "month" shall have the same meaning assigned to such term in paragraph (a) (2) of § 301.6651–1.

(2) A taxpayer who wishes to avoid the penalty for failure to deposit must make an affirmative showing of all facts alleged as a reasonable cause in a written statement containing a declaration that it is made under the penalties of perjury, which should be filed with the district director for the district in which the return with respect to the tax is required to be filed, or with the Director of International Operations, as the case may be. If the district director, the Director of International Operations, or the director of the regional service center determines that the delinquency was due to a reasonable cause, and not to willful neglect, the penalty will not be imposed.

* * * * *

[F.R. Doc. 67–5310; Filed, May 9, 1967; 10:43 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Subpart 2244]

OIL SHALE LANDS

Exchanges

Basis and purpose. Notice is hereby given that the Department of the Interior proposes to amend the regulations regarding exchanges of privately owned lands under the Taylor Grazing Act, found at Subpart 2244 of Title 43 of the Code of Federal Regulations, by adding the proposed regulations set forth below.

Interested persons are invited to submit their comments in writing to the Director, Bureau of Land Management, Department of the Interior, Washington, D.C. 20240, within 30 days of the date of publication in the FEDERAL REGISTER of this notice. Persons wishing to present their views orally are requested to communicate with the Director, Bureau of Land Management.

A new § 2244.1–7 is added, as follows:

§ 2244.1–7 Exchanges of oil shale lands.

(a) *Policy.* Exchanges of public lands containing oil shale deposits may be consummated pursuant to section 8 of the Taylor Grazing Act, 48 Stat. 1272 (1934), as amended, 43 U.S.C. 315g (1964), where such action will promote economic recovery of shale oil and associated minerals and is otherwise in the public interest. Except as otherwise provided in this § 2244.1–7 such exchanges will be made pursuant to § 2244.1.

(b) *Criteria.* Exchanges of public lands containing oil shale deposits may be effected under the regulations in § 2244.1 only where each of the following requirements are met:

(1) The offered land is oil shale land having similar geologic and physical characteristics and of a value equal to or exceeding the value of the selected public land.

(2) The exchange will result in the consolidation of the offeror's lands so that they are susceptible of being managed as an economic unit for the recovery of shale oil and other mineral products.

(3) Consummation of the exchange will not result in impairment of proper utilization and management by the United States of its lands, including the land it is to receive in the exchange.

(4) The applicant enters into a written agreement with the authorized officer that he will manage and utilize the selected lands and all neighboring oil shale lands owned or controlled by him at any time in such a manner that (i) there is compliance with all applicable Federal and State statutes and regulations relating to control of environmental pollution, and (ii) there is adherence to a coordinated plan of sound conservation practices in the management and use of such lands, including the avoidance of waste.

(c) *Application.* Application must be made in accordance with § 2244.1–2. Upon the filing of an application, and prior to the making or issuing of any classification decision, the authorized officer shall direct publication of a notice of application in a designated newspaper of general circulation in the county or counties in which both the offered and selected lands are situated. The notice, which shall be published once a week for 3 consecutive weeks, shall set forth the legal descriptions of the offered and selected lands, together with such other data as the authorized officer may deem pertinent, and shall provide for a 60-day period from date of the notice during which other private exchange applications may be filed for the selected lands pursuant to section 8 of the Taylor Grazing Act. Where more than one application has been filed for the selected lands the authorized officer shall take the following additional elements into consideration in determining which, if any, of the exchange offers will best benefit the public interest:

(1) The relative values of the offered lands;

(2) The location of the offered lands in relation to the public lands; and

(3) The willingness of any of the applicants to enter into a written agreement with the Secretary specifying a time schedule and rate of investment reasonable in the circumstances and a plan of mineral operations that will permit optimum recovery of shale oil ond other mineral resources from the selected tract and all neighboring oil shale

lands owned or controlled by the applicant.

STEWART L. UDALL,
Secretary of the Interior.

MAY 5, 1967.

[F.R. Doc. 67-5213; Filed, May 9, 1967; 8:47 a.m.]

[43 CFR Part 3170]

OIL SHALE

Notice of Proposed Rule Making

Basis and purpose. Notice is hereby given that the Department of the Interior proposes to amend the regulations regarding the leasing of oil shale lands, found at Part 3170 of Title 43 of the Code of Federal Regulations, by revoking those regulations and substituting the proposed regulations set forth below.

Interested persons are invited to submit their comments in writing to the Director, Bureau of Land Management, Department of the Interior, Washington, D.C. 20240, within 30 days of the date of publication in the FEDERAL REGISTER of this notice. Persons wishing to present their views orally are requested to communicate with the Director, Bureau of Land Management.

Part 3170 is amended to read as follows:

PART 3170—OIL SHALE

Subpart 3170—Oil Shale; General

Subpart 3171—Applications for Leases

Subpart 3172—Miscellaneous Provisions

Subpart 3170—Oil Shale; General

§ 3170.0-1 Purpose.

The regulations of this part govern the availability for leasing of a limited acreage of oil shale lands under the jurisdiction of the Department of the Interior. The objectives are to:

(a) Foster improved technology for the mining and recovery of shale oil and other mineral components of oil shale;

(b) Encourage competition in development and use of oil shale and related mineral resources and develop a basis for subsequent competitive leasing of Federal oil shale lands;

(c) Encourage participation by companies not favorably situated with respect to access to reserves of the minerals present in oil shale;

(d) Prevent speculation and windfall profits;

(e) Provide reasonable revenues to the Federal and State Governments;

under mining operation and production practices that are consistent with good conservation management of overall resources in the region.

§ 3170.0-3 Authority.

The regulations of this part are issued pursuant to the Mineral Leasing Act of February 25, 1920 (41 Stat. 445), as amended, (30 U.S.C. 181-287).

§ 3170.0-5 Definition of term "Oil Shale."

As used in this part, the term "oil shale" means sedimentary rock containing organic matter which yields substantial amounts of oil or gaseous products by destructive distillation. The term includes all the minerals which are components of the rock, but does not include:

(a) Deposits of minerals which may be interbedded in the sedimentary rock series and which the Secretary determines can be mined (1) without removal of significant amounts of organic matter and (2) without significant damage to oil shale beds; and

(b) Deposits subject to lease as oil and gas, asphaltic minerals, or coal.

§ 3170.1 Designation of available lands.

The Secretary will from time to time publish notices in the FEDERAL REGISTER designating areas of oil shale bearing lands and deposits for the conduct of particular types of mining, extraction, or processing activities which will be made available for leases for research and development and for subsequent commercial operations in accordance with the regulations of this part. Areas will be selected with a view to encouraging research on a variety of mining and processing methods under a variety of conditions of mineral depths, composition, thicknesses, and qualities, and taking into consideration sound principles of conservation and environmental protection. A total of no more than 30,000 acres of oil shale bearing lands will be designated under this part. Oil shale bearing lands, the surface of which is under the administrative jurisdiction of a Federal agency other than the Department of the Interior, will not be designated under this part.

Subpart 3171—Applications for Leases

§ 3171.1 Qualifications of applicants.

(a) Leases may be issued to:

(1) Citizens of the United States;

(2) Associations of such citizens;

(3) Corporations organized under the laws of the United States, or any State or Territory thereof;

(4) Municipalities.

(b) The term "associations" includes partnerships, syndicates, groups, pools, joint ventures, and other unincorporated organizations.

§ 3171.2 Form and contents of applications.

(a) No form of application is prescribed.

(b) Applications should be in writing and filed in triplicate in the Office of the Director, Bureau of Land Management, Interior Building, Washington, D.C. 20240, notwithstanding the provisions of § 3001.0-6 of this chapter.

(c) The application should provide:

(1) The complete name(s) and address(es) of the applicant(s).

(2) The qualifications of applicant(s) to hold a lease under the Act.

(3) A description of the land for which a lease is desired.

(4) A detailed statement of any direct or indirect interest which the applicant then has in any lease issued or applications pending under this part, including ownership interests in any holder of a lease issued under this part.

(5) If the applicant is a corporation, the name and address of each stockholder of record holding more than 10 percent of the corporation's stock.

(6) If the applicant is an association, the name and address of each member who has an interest of more than 10 percent in the association.

(7) A statement of the applicant's interests in nonfederally owned oil shale lands and the reasons why the applicant needs federally leased land for the proposed research and development. The statement should include a description of the location and acreage of such lands, and the best available information on the depth, quantity, composition, quality and thickness of mineral deposits present in such land.

(8) A detailed statement of the applicant's financial capability to conduct the proposed research and development.

(9) A detailed statement of the applicant's technical capability to conduct the proposed research and development.

(10) A description of the applicant's plan of research and development during the research term, specifying:

(i) The goals of the research plan;

(ii) The nature, location, and cost of plants and equipment to be utilized;

(iii) The number of key persons to be employed and their qualifications;

(iv) The schedule of expenditures;

(v) The mining and processing techniques to be studied;

(vi) The possible adverse effects on the environment and the measures to be taken to avoid or minimize such effects;

(vii) The acreage required for the research;

(viii) The depth, quantity, composition, quality, and thickness of shale deposits required for the research;

(ix) The quantity of water required and the expected source;

(x) The measures to be taken to prevent waste of the mineral resources of the leased land.

(11) A description of the reserves the applicant then owns or controls of oil and other minerals of the kind believed to be present in the lands applied for.

(12) With respect to the commercial operation sought to be developed if the research plan is successful:

(i) The general nature of the commercial operation, the commodity(ies) or product(s) expected to be produced, and the approximate service life and capacity of the plant to be constructed.

(ii) The expected annual unit and dollar value of production of each mineral product to be produced. If the proposed commercial operation does not include extraction of component mineral products from the oil shale, a description of the prospective market.

(iii) The expected capital and annual operating costs.

(iv) The quantity of water required and the expected source.

(v) The expected hazards to the environment and the measures proposed to avoid or minimize them.

(vi) The quantity of land and the depth, quantity, composition, quality and thickness of mineral deposits required.

§ 3171.3 Considerations to be used in evaluating applications.

After consultation with appropriate Federal, State, and local agencies, evaluation of the research and development proposals will be made on the basis of the following considerations:

(a) Selection of proposals showing greatest promise of:

(1) Ascertaining the commercial feasibility of a variety of mining and processing methods, under a variety of conditions;

(2) Enhancing opportunities for maximizing multiple mineral recovery;

(3) Enhancing the competitive opportunities of smaller companies;

(4) Limiting any potential hazards to the environment;

(5) Limiting any potential hazards to human safety.

(b) The financial and technical capabilities of the applicant to conduct the proposed research and development, and the projected commercial operation.

(c) The pace at which the research and development is proposed to be conducted.

(d) The applicant's need for leased lands to conduct the proposed research and development, and the projected commercial operation.

(e) The effects on competition of the proposed research and development and the projected commercial operation.

(f) The applicant's need for reserves of the minerals proposed to be produced under his proposal.

§ 3171.4 Time for filing.

No application will be accepted if filed later than 5 years from the date of publication of the regulations of this part in the FEDERAL REGISTER. (The exact date will be inserted when the final regulations are published.)

Subpart 3172—Miscellaneous Provisions

§ 3172.1 Form of lease.

No form of lease is prescribed.

§ 3172.2 Term of lease.

(a) *Research term.* The research term of any lease issued under the regulations of this part shall be designated by the Secretary, but in no event may exceed 10 years.

(b) *Commercial production term.* The Secretary will extend the term of such lease upon completion of the research term to permit commercial production for so long as mineral products are produced from oil shale in paying quantities from deposits on the land, if he has determined that:

(1) The lessee conducted research activity during the research term substantially in accordance with the plan submitted in his application, or any modification thereof which was approved by the Secretary.

(2) The lessee has, in the course of the research term, developed a mining and processing method, which:

(i) Is commercially feasible;

(ii) Provides for optimum recovery of minerals to be produced;

(iii) Can comply with requirements determined by the Secretary to be necessary to prevent or minimize pollution of air and water, scenic or esthetic damage to surface resources, to fish and wildlife, and hazards to human safety.

(3) The lessee has complied with all the terms of the lease.

§ 3172.3 Acreage designations and limitations.

(a) No lease issued hereunder may exceed 5,120 acres.

(b) Upon the issuance of any lease hereunder the Secretary shall designate the part of the leased lands upon which the lessee will be permitted to conduct operations during the research term.

(c) At the time for the grant of any extension of the term of lease as provided in § 3172.2(b), the Secretary will determine the quantity of mineral deposits needed for commercial production, allowing reasonable reserves. The term will be extended only with respect to the area which contains the quantity of mineral deposits so determined.

(d) No person, association or corporation (including a municipality) may take, hold, own or control an interest in more than the total maximum acreage of land included in any lease hereunder, except insofar as natural persons are permitted to hold greater interests under 30 U.S.C. 184(e), by virtue of their 10 percent or lesser interests in corporations or associations holding leases hereunder.

§ 3172.4 Rentals.

Leases shall provide for the payment, in advance, of an annual rental of 50 cents for each acre or fraction thereof.

§ 3172.5 Royalties.

(a) Leases shall provide for the payment of royalties on production during their commercial production terms.

(b) The royalty rate on production shall be 3 percent on the gross value, at the point of shipment to market, of the mineral products from the oil shale, except as provided in paragraphs (c) and (d) of this section. Such royalties shall be due and payable monthly on the last day of the calendar month next following the calendar month in which produced.

(c) If the total annual royalty payment on production as computed in accordance with paragraph (b) of this section is less than the payment would be if computed in accordance with paragraph (d) of this section, then the lessee shall pay, by March 1 of the succeeding year, an additional amount equal to the difference between the royalty paid and the royalty as computed in accordance with paragraph (d) of this section.

(d) The annual net income royalty rate shall be a percentage of net income from the production of mineral products from oil shale to the point of shipment to market. The net annual income royalty rate is:

Ten percent of that part of the net income which is no more than 10 percent of investment.

Thirty percent of that part of the net income which exceeds 10 percent and is no more than 20 percent of investment.

Fifty percent of that part of the net income which is more than 20 percent of investment.

As used in this section, "net income" means taxable income, computed without allowance for royalty and depletion. "Investment" means the original cost less depreciation of capital assets used in the aforesaid production and processing of oil shale. The term "investment" does not include oil shale obtained pursuant to a lease issued under this part.

(e) Lease royalties shall be subject to readjustment at 20-year periods succeeding the issuance of the lease. Lessees will be notified of the proposed readjustment of royalties or notified that no readjustment is to be made. Unless the lessee shall file either a notice of objection and offer to negotiate the proposed readjustment of royalties, or file a relinquishment of the lease within 30 days after receipt of the notice, he will be deemed to have agreed to such readjusted royalties.

(f) The Secretary will, prior to any readjustment under paragraph (e) of this section which would reduce the rate of royalty on any lease, publish a notice of intention to make such reduction in the FEDERAL REGISTER, inviting written comments by interested persons, to be filed within 60 days of the issuance of the notice. The Secretary will not readjust such royalties prior to the expiration of such 60-day period.

(g) Leases shall provide for the payment of royalties during their research terms, on minerals and mineral products sold by the lessee. The royalty rates shall be the same as those applicable during the commercial term.

§ 3172.6 Termination of lease.

Each lease issued hereunder shall terminate at the end of its research term unless, prior thereto, the Secretary has authorized the commencement of the commercial production term.

§ 3172.7 Lease bond.

A bond of not less than $100,000, conditioned on performance of the obligations imposed by the lease, the Act, and the regulations of this part will be required prior to the issuance of an oil shale lease. The right is reserved at any time before or after the issuance of the lease to require an increase of the amount of the bond in any case where the Secretary deems it proper to do so.

§ 3172.9 Other provisions.

(a) *Protection of the environment and human safety.* The lease will contain such provisions as the Secretary deems necessary to prevent or minimize pollution of air and water, scenic or esthetic damage, damage to surface resources, and to fish and wildlife and hazards to human safety.

(b) *Prevention of damage to other mineral resources.* The lease will contain such provisions as the Secretary determines necessary to protect other mineral resources which may be involved.

(c) *Diligence in pursuit of plan of research.* The lease will require that the lessee pursue diligently both the plan of research upon which his lease was issued and operations during the commercial production phase.

(d) *Disclosure of information developed during the research term.* (1) The lease will contain provisions requiring the lessee:

(i) To submit annual progress reports during the research period, in sufficient detail to disclose fully all work accomplished and results achieved.

(ii) To submit, within 120 days after completion of all work under the research plan, a final report summarizing the state of the art and covering conclusions and recommendations derived therefrom. The report shall include a complete and detailed disclosure of all materials, processes, and equipment involved, including all the technical and financial data needed to enable any qualified person to carry out the work performed under the lease. Where appropriate, the recommendations shall include proposals for further improvements which would advance the future state of the art based on knowledge acquired in the performance of the work under the lease.

(iii) To make such other reports and supply such information regarding the progress of the research as the Secretary may specify from time to time.

(iv) To permit access, by persons designated by the Secretary, to the leased premises, all facilities thereon, all other facilities in which any part of the research is conducted, and all books and records which directly relate to the plan of research being conducted.

(2) The lease will provide that no report required under the lease may be copyrighted and the lessee, without additional compensation, therein grants to the Secretary the full right to publish, reproduce and use, and to have others do so, for any purpose without limitations, the reports and any information obtained by the Secretary under this part. The Secretary will promptly publish the reports received and make the other information he has obtained available to the public.

(3) The lease will require that the lessee agree not to publish, or to make available to others besides representatives of the Secretary, the results of the research work under the lease or any information concerning the same, without prior approval in writing from the Secretary.

(e) *Patents.* The lease will contain provisions that the United States will acquire title to all inventions made in the course of or under the research term of the lease, and requiring the lessee to issue licenses at reasonable royalty rates, with respect to such patents as he may own, which are necessary to permit others to practice inventions made in the course of or under the research term of the lease, except that the lease may contain provisions granting greater patent rights to the lessee, in such cases where a proper showing of exceptional circumstances is made, in accordance with the Statement of Government Patent Policy issued by President Kennedy on October 10, 1963, 28 F.R. 10943.

(f) *Assignments and relinquishments.* The lease will contain provisions governing assignments and relinquishments.

(g) *Cancellation of leases.* Upon failure of a lessee to comply with the provisions of the Mineral Leasing Act, or of the regulations issued thereunder, or of the lease, and continuation of such default for 30 days after service of written notice thereof by the Secretary, the Secretary may institute judicial proceedings for the cancellation of the lease as provided in section 31 of the Act. Failure to give notice with respect to any particular cause of forfeiture shall not be deemed a waiver and shall not prevent the cancellation and forfeiture of the lease for any other cause of forfeiture, or for the same cause occurring at another time.

(h) *Additional provisions.* The lease will contain such additional provisions as the Secretary deems appropriate.

§ 3172.10 Antitrust consultation.

Prior to the issuance of a lease, the Secretary will forward a copy to the Attorney General, requesting his advice as to whether the issuance of the lease would be consistent with the objectives of the Federal antitrust laws.

STEWART L. UDALL,
Secretary of the Interior.

MAY 5, 1967.

[F.R. Doc. 67-5214; Filed, May 9, 1967; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 907]

NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Proposed Handling

Notice is hereby given that the Department is considering proposed amendments, as hereinafter set forth, to the rules and regulations (7 CFR 907.100 et seq.; Subpart—Rules and Regulations) of the Navel Orange Administrative Committee, currently in effect pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California. This is a regulatory program effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The amendment of said rules and regulations was proposed by the Navel Orange Administrative Committee established under the said marketing agreement and order as the agency to administer the terms and provisions thereof. The proposed amendments would (1) equalize for all prorate districts the basis for computation of adjustment of prorate bases; and (2) require submission of records to the committee by handlers regarding the quantity of oranges harvested from groves under their control.

The proposed amendments are as follows:

§ 907.110 [Amended]

1. Amend the provisions of § 907.110 *Prorate base and allotments* as follows:

(a) In paragraph (d), delete that portion of the second sentence which precedes the proviso and insert in lieu thereof the following: "The quantity so determined shall be deducted during a period of 4 consecutive weeks in all prorate districts (or during the remainder of the applicable marketing season for the respective prorate district if it is of shorter duration than the designated period):"

(b) In paragraph (e)(1), delete that portion which precedes the proviso and insert in lieu thereof the following: "The prorate bases of handlers shall be adjusted to correct errors, omissions, or inaccuracies, as provided in this part, during a period of 4 consecutive weeks in all prorate districts (or during the remainder of the applicable marketing season for the respective prorate district if it is of shorter duration than the designated period):"

2. Add a new section reading as follows:

§ 907.142 Other reports.

Each handler shall make available to the committee's field department representative upon request a record of the quantity of oranges which has been harvested from all groves or portions thereof under such handler's control.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed amendment shall file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection

at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: May 4, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-5195; Filed, May 9, 1967; 8:46 a.m.]

[7 CFR Part 908]

VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Proposed Handling

Notice is hereby given that the Department is considering proposed amendments, as hereinafter set forth, to the rules and regulations (7 CFR 908.100 et seq.; Subpart—Rules and Regulations) of the Valencia Orange Administrative Committee, currently in effect pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California. This is a regulatory program effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The amendment of said rules and regulations was proposed by the Valencia Orange Administrative Committee established under the said marketing agreement and order as the agency to administer the terms and provisions thereof. The proposed amendments would (1) equalize for all prorate districts the basis for computation of adjustment of prorate bases; and (2) require submission of records to the committee by handlers regarding the quantity of oranges harvested from groves under their control.

The proposed amendments are as follows:

§ 908.110 [Amended]

1. Amend the provisions of § 908.110 *Prorate base and allotments* as follows:

(a) In paragraph (d), delete that portion of the second sentence which precedes the proviso and insert in lieu thereof the following: "The quantity so determined shall be deducted during a period of 4 consecutive weeks in all prorate districts (or during the remainder of the applicable marketing season for the respective prorate district if it is of shorter duration than the designated period):"

(b) In paragraph (e)(1), delete that portion which precedes the proviso and insert in lieu thereof the following: "The prorate bases of handlers shall be adjusted to correct errors, omissions, or inaccuracies, as provided in this part, during a period of 4 consecutive weeks in all prorate districts (or during the remainder of the applicable marketing season for the respective prorate district if it is of shorter duration than the designated period):"

2. Add a new section reading as follows:

§ 908.142 Other reports.

Each handler shall make available to the committee's field department representative upon request a record of the quantity of oranges which has been harvested from all groves or portions thereof under such handler's control.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed amendment shall file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: May 4, 1967.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[F.R. Doc. 67-5196; Filed, May 9, 1967; 8:46 a.m.]

[7 CFR Part 926]

[Docket No. AO 135-A6]

TOKAY GRAPES GROWN IN SAN JOAQUIN COUNTY, CALIF.

Proposed Handling; Notice of Hearing With Respect to Amendment to Marketing Agreement, and Order, as Amended

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders, as amended (7 CFR Part 900), notice is hereby given of a public hearing to be held in the American Legion Hall, 320 North Washington Street, Lodi, Calif., at 10 a.m., local time, Thursday, June 1, 1967, with respect to proposed further amendment of the marketing agreement, as amended, and Order No. 926, as amended (7 CFR Part 926), hereinafter referred to as the "marketing agreement" and "order," respectively, regulating the handling of Tokay grapes grown in San Joaquin County, Calif. The proposed amendments have not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions relating to the proposed amendments, which are hereinafter set forth, and appropriate modifications thereof.

The following amendments to the amended marketing agreement and order were proposed by the Industry Committee, the administrative agency established pursuant to the marketing agreement and order:

1. Add to § 926.17 a final sentence to read as follows:

§ 926.17 Premium quality grapes.

* * * The committee, with the approval of the Secretary, shall prescribe rules, regulations, and safeguards as it may deem necessary to assure that grapes marketed as Premium Quality grapes meet the prescribed requirements for such grapes."

2. Add to § 926.46 *Assessments* a final sentence to read as follows:

§ 926.46 Assessments.

* * * In order to provide funds for the administration of the provisions of this part during the first part of a fiscal period before sufficient operating income is available from assessments on the current season's shipments, the Industry Committee may borrow money for such purposes."

3. Amend § 926.47 *Handler accounts* to read as follows:

§ 926.47 Handler accounts.

(a) If at the end of a season, the assessments collected are in excess of expenses incurred, the Industry Committee, with the approval of the Secretary, may carry over such excess into subsequent fiscal periods as a reserve: *Provided,* That funds already in the reserve do not exceed approximately one season's expenses. Such reserve funds may be used (1) to cover any expenses authorized by this part, and (2) to cover necessary expenses of liquidation in the event of termination of this part. If any such excess is not retained in a reserve, each handler entitled to a proportionate refund shall be credited with such refund against the operations of the following season or be paid such refund. Upon such termination, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided,* That to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

(b) The Industry Committee may, subject to the approval of the Secretary, maintain a suit in its own name or in the names of its members for the collection of any handler's pro rata share of expenses.

4. Amend § 926.49 *Research* to read as follows:

§ 926.49 Research.

(a) The committee may, with the approval of the Secretary, establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of Tokay grapes. Such projects may provide for any form of marketing promotion, including paid advertising. The expenses of such projects shall be paid from funds collected pursuant to § 926.46.

(b) In recommending projects pursuant to this section, the committee shall give consideration to the following factors:

(1) The expected supply of grapes in relation to market requirements;

(2) The supply situation among competing areas and commodities; and

(3) The need for marketing research with respect to any marketing development activity and the need for a coordinated effort with USDA's Plentiful Foods Program.

(c) If the committee should conclude that a program of marketing research or development should be undertaken or continued pursuant to this section in any crop year, it shall submit the following for the approval of the Secretary:

(1) Its recommendation as to funds to be obtained pursuant to § 926.46;

(2) Its recommendation as to any marketing research projects; and

(3) Its recommendation as to promotion activity and paid advertising.

5. Make such other changes in the marketing agreement and order as may be necessary to make the entire marketing agreement and order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing may be obtained from the Fruit Branch, Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, or from the Sacramento Marketing Field Office, Fruit and Vegetable Division, Consumer and Marketing Service, 650 Capitol Mall, Room 8518, Sacramento, Calif. 95814.

Dated: May 4, 1967.

S. R. SMITH,
Administrator.

[F.R. Doc. 67-5197; Filed, May 9, 1967; 8:46 a.m.]

[7 CFR Parts 1106, 1126, 1132]

[Docket Nos. AO 210-A24, AO 231-A31, AO 262-A15]

MILK IN OKLAHOMA METROPOLITAN, NORTH TEXAS, AND TEXAS PANHANDLE MARKETING AREAS

Notice of Joint Hearing on Proposed Amendments to Tentative Marketing Agreements and Orders

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Capitol Room, Trade Winds Motor Hotel, 3115 Lincoln, Oklahoma City, Okla., beginning at 9 a.m., local time, on May 15, 1967, with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the Oklahoma Metropolitan, North Texas, and Texas Panhandle marketing areas.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreements and to the orders.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the Industry Supply-Demand Study Group on behalf of North Texas Producers Association, Central Oklahoma Milk Producers Association, Pure Milk Producers Association of Eastern Oklahoma, Foremost Dairies, The Southland Corp., and The Carnation Co.:

Proposal No. 1. 1. Delete § 1126.51(a) (1) through (6) of Order No. 126 and § 1106.51(a) (1), (2), and (3) of Order No. 106, and substitute therefor the following; and amend Order No. 132 to include a supply-demand adjustor identical with those of Order Nos. 106 and 126:

(a) (1) Determine for the most recent 12-month period the total pounds of producer milk and Grade A bulk milk physically received from other Federal order plants (not requesting Class II utilization) by handlers regulated under Parts 1104, 1106, 1120, 1126, 1127, 1128, 1129, 1130, and 1132 of this chapter regulating the handling of milk in the Red River Valley; Oklahoma Metropolitan; Lubbock-Plainview, Tex.; North Texas; San Antonio, Tex.; Central West Texas; Austin-Waco, Tex.; Corpus Christi, Tex.; and Texas Panhandle marketing areas. Adjust the Grade A receipts of bulk milk from other Federal orders to remove intermarket transfers between the markets included herein. In combining the receipts of producer milk of supply plants regulated by the Austin-Waco and Corpus Christi orders, include receipts equal only to the volume of milk shipped to plants regulated by any of the Federal orders included in this supply-demand computation.

(2) Determine for the most recent 12-month period the total pounds of Class I utilization at all plants regulated under Parts 1104, 1106, 1120, 1126, 1127, 1128, 1129, 1130, and 1132 of this chapter regulating the handling of milk in the Red River Valley; Oklahoma Metropolitan; Lubbock-Plainview, Tex.; North Texas; San Antonio, Tex.; Central West Texas; Austin-Waco, Tex.; Corpus Christi, Tex.; and Texas Panhandle marketing areas. Adjust such Class I utilization by excluding interhandler transfers and any intermarket transfers between the markets included in this computation that would result in the same milk being accounted for the second time as Class I milk; and exclude from the Class I utilization of any supply plant regulated by the Austin-Waco or Corpus Christi Federal orders that volume of Class I milk which did not physically move to plants regulated by any of the Federal orders included in this supply-demand computation.

(3) Divide the amount obtained in subparagraph (2) of this paragraph by the amount obtained in subparagraph (1) of this paragraph, multiply by 100 and round to the nearest full percent. The resulting percentage shall be known as the "current supply-demand ratio".

(4) For each percentage that the current supply-demand ratio is less than 75, the Class I price shall be reduced 4 cents per hundredweight, and for each percentage that the current supply-demand ratio is greater than 75, the Class I price shall be increased 4 cents per hundredweight: *Provided*, That after the effective date of this provision no change in the Class I price will occur until the price adjustment for the current month exceeds the previous price adjustment computed pursuant to this paragraph by at least plus or minus 16 cents per hundredweight, and such adjustment shall remain in effect for a minimum of 3 consecutive months. In no event shall the maximum plus or minus supply-demand adjustment exceed 48 cents per hundredweight.

Proposed by the Dairy Division, Consumer and Marketing Service:

Proposal No. 2. Make such changes as may be necessary to make the entire marketing agreements and the orders conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the orders may be procured from either of the Market Administrators, Richard E. Arnold, Post Office Box 4568, Tulsa, Okla. 74114, or Byford W. Bain, Post Office Box 35225, Airlawn Station, Dallas, Tex. 75235, or from the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, or may be there inspected.

Signed at Washington, D.C., on May 8, 1967.

CLARENCE H. GIRARD,
Deputy Administrator, Regulatory Programs.

[F.R. Doc. 67-5237; Filed, May 9, 1967; 8:50 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 207, 208]

[Docket No. 18516]

MILITARY BACKHAUL CHARTERS

Notice of Proposed Rule Making

MAY 4, 1967.

Notice is hereby given that the Civil Aeronautics Board has under consideration proposed amendments to Parts 207 and 208 of the Economic Regulations (14 CFR Parts 207, 208), to exempt from the limitations of Part 207 applicable to off-route charters performed by certificated route carriers, commercial charters performed in overseas or foreign air transportation on the reverse leg of a one-way military charter in the opposite direction, and to include a blanket exemption under Part 208 authorizing supplemental carriers to engage in similar operations. The principal features of the proposed

rules are set forth in the attached explanatory statement and the proposed amendments are set forth in the attached proposed rules. The amendments are proposed under the authority of sections 204(a), 401(e)(6), and 416(b) of the Federal Aviation Act of 1958, as amended (72 Stat. 743, 49 U.S.C. 1324; 72 Stat. 754, as amended by 76 Stat. 143, 49 U.S.C. 1371; 72 Stat. 771, 49 U.S.C. 1386).

Interested persons may participate in the proposed rule making through submission of ten (10) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant matters in communications received on or before June 9, 1967, will be considered by the Board before taking final action on the proposed rules. Copies of such communications will be available for examination by interested persons upon receipt in the Docket Section of the Board, Room 710, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

Explanatory statement. Part 207 of the Board's Economic Regulations presently provides an annual volume limitation on "off-route" charters performed by certificated route carriers of 2 percent of their "base revenue plane miles" [1] performed in the preceding calendar year.[2] In addition § 207.7a provides frequency/regularity restrictions on the performance of such services. Exempted from these restrictions are charters performed for the Department of Defense.[3] Similarly the supplemental carriers are authorized to engage in unrestricted military charters pursuant to the provisions of their certificates.[4] Thus, the Board has generally authorized certificated carriers [5] to engage in military charters without limitation.

The current regulations do not, however, relieve these carriers of the restrictions otherwise applicable for civilian charters carried as a backhaul for one-way military charters. Thus, these carriers may fill the empty legs of a one-way military charter with commercial revenue traffic only if the carriage of such traffic is authorized by their certificates, or, in the case of the route carriers, if such carriage would be within the limitations on "off-route" charters contained in Part 207. In view of the present urgent needs of the Department of Defense for airlift capacity, and in accordance with our policy of affording the military "a maximum of flexibility in meeting its needs so as to be able to maintain the best possible national defense posture," [6] the Board has tentatively concluded that it should amend its regulations in order to provide unrestricted authority for the carriage in overseas or foreign air transportation of commercial charter traffic on the reverse legs of one-way military charters. Accordingly, it is proposed to amend the definition of "off-route" in § 207.1 to exempt from the restrictions in that part any charter performed in overseas or foreign air transportation on the reverse leg of a one-way military charter in the opposite direction. In addition it is proposed to amend Part 208 so as to add a new section 208.150 which would provide a blanket exemption granting similar authority to the supplemental carriers.

The present restrictions, which may prevent a carrier from obtaining commercial charter traffic for long-haul ferry legs of one-way military charters, constitute an economic waste which will inevitably be reflected in higher minimum rates for military charters, and may tend to discourage the availability of airlift capacity to the Department of Defense. The Board has traditionally included in its computation of minimum rates for one-way MAC charters a reduction based on the experience of the carriers in filling the ferry legs with revenue traffic.[7] To the extent that carriers are restricted from attempting to secure such traffic, the minimum rates will necessarily be higher than would otherwise be necessary. Moreover, to the extent that the present restrictions prevent certain carriers from obtaining commercial backhaul charters, these carriers will be subject to a disadvantage in participating in military contracts, vis a vis those carriers whose certificates specifically authorize the carriage of commercial traffic in that area, or whose base revenue plane mileage, upon which the Part 207 volume limitation is computed, is so large as to negate any meaningful volume restriction. In view of the fact that the minimum one-way military rates reflect backhaul revenues based on average industry experience, those carriers who are subject to such a disadvantage in securing backhaul revenue may be induced to seek more lucrative means for utilization of available capacity, and the military may be deprived of vitally needed airlift capacity which otherwise might be available.[8] In sum, the grant of unlimited commercial backhaul authority will be consistent with the Board's policy of permitting unlimited authority for the performance of military charters, will enable more economical operations of one-way MAC contracts, and will enable all carriers to secure such contracts on an equal basis, thereby encouraging the maximum availability of vitally needed military airlift capacity in the present emergency.

In proposing that Part 208 should be amended to provide a blanket exemption authorizing supplemental carriers to engage in commercial backhaul charters, we have carefully considered the circumstances here present which warrant the use of our exemption power under section 416(b). Considering the present certificate authority of the supplemental carriers to engage in unlimited military charter operations, the backhaul authority which we are proposing represents a comparatively limited supplement to their presently authorized military operations. Moreover, there are here present unusual circumstances affecting the operations of these carriers arising from the urgent requirements of the Department of Defense for airlift capacity, and the necessity that the supplemental carriers be authorized to engage in such backhaul operations in order to participate in military charters on an equal basis with the certificated route carriers.[9] Time would not permit the completion of lengthy certificate amendment proceedings as a means of meeting the current military airlift requirements, and in view of the uncertainties of military requirements in the future, the institution of such a proceeding would not be warranted. Under these circumstances it is our view that to require these carriers to participate in a certificate amendment proceeding would constitute an undue burden upon them, wholly unwarranted by the nature of the authority proposed herein, and would not be in the public interest. Accordingly, the Board tentatively finds that enforcement of the provisions of section 401 to the extent that the supplemental carriers would otherwise be precluded from engaging in commercial backhaul charters as proposed, would be an undue burden upon them by

[1] "Base Revenue Plane Miles" is defined as "revenue mileage operated by an air carrier in scheduled services, extra sections, and on-route charter trips or special services." § 207.1.

[2] Sections 207.5, 207.6. All-cargo carriers are permitted to perform unlimited "off-route" cargo charters within their designated areas of operation.

[3] Section 207.1 defines the term "off-route" as "any charter except those performed for the Department of Defense which is not on-route."

[4] Supplemental carriers do not come under the statutory off-route charter authorization in section 401(e)(6) of the Act, and accordingly Part 207 is inapplicable to their operations.

[5] With the exception of Alaskan air carriers who are subject to the special provisions of Part 292.

[6] See ER-419, Sept. 18, 1964.

[7] See, ER-482, Mar. 17, 1965; ER-456, Mar. 29, 1966; EDR-113, Mar. 15, 1967.

[8] Alternatively, if the Board did not take into account backhaul revenues in setting minimum rates for one-way military contracts, those carriers who were not affected by the present restrictions might obtain windfall profits from their one-way military contracts, and the military would be subjected to unwarranted costs.

[9] In this connection we note that one of the primary bases for the supplemental legislation and certification of the supplemental carriers was their significant contribution to the national defense in peace and war, and the ability of these carriers to provide a valuable adjunct to military airlift capacity in times of national emergency. Military contracts presently constitute a substantial part of the operations of these carriers, and the unimpaired continuation of such operations is vital to the national defense and to the carriers' economic health.

reason of the limited extent of and unusual circumstances affecting their operations, and would not be in the public interest.

Proposed rules. The Civil Aeronautics Board proposes to amend Part 207 (14 CFR Part 207) and Part 208 (14 CFR Part 208) of its Economic Regulations, as follows:

1. Amend the definition of "off-route" in § 207.1 to read as follows:

"Off-route" shall refer to any charter which is not on-route, except (1) charters performed for the Department of Defense, and (2) charters performed in overseas or foreign air transportation on the reverse leg of a charter performed in the opposite direction under a contract with the Department of Defense calling for one-way service.

2. Amend the table of contents of Part 208, to add a new Subpart B1, and a new § 208.150 thereunder, to read as follows:

Subpart B1—Provisions Relating to Military Backhaul Charters

208.150 Military backhaul exemption.

3. Add a new Subpart B1 to Part 208, with a new § 208.150 thereunder, to read as follows:

Subpart B1—Provisions Relating to Military Backhaul Charters

§ 208.150 Military backhaul exemption.

Subject to the provisions of this part, Part 295, and all other applicable rules, regulations, conditions, or requirements, supplemental air carriers are hereby exempted from the provisions of section 401 of the Federal Aviation Act of 1958, as amended, to the extent necessary to permit them to engage in overseas or foreign "supplemental air transportation" and "transatlantic supplemental air transportation" on the reverse leg of a charter performed in the opposite direction under a contract with the Department of Defense calling for one-way service.

[F.R. Doc. 67-5207; Filed, May 9, 1967; 8:47 a.m.]

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

[29 CFR Part 1605]

GUIDELINES ON DISCRIMINATION BECAUSE OF RELIGION

Observance of the Sabbath and Other Religious Holidays

The Equal Employment Opportunity Commission is considering amending Part 1605 of its regulations, Guidelines on Discrimination Because of Religion, issued pursuant to section 713(b) of the Civil Rights Act of 1964, 42 U.S.C. 2000e-12(b). The proposed amendment would delete § 1605.1 and substitute the following revised § 1605.1:

§ 1605.1 Observance of the Sabbath and other religious holidays.

(a) Several complaints filed with the Commission have raised the question whether it is discrimination on account of religion to discharge or refuse to hire employees who regularly observe Friday evening and Saturday, or some other day of the week, as the Sabbath or who observe certain special religious holidays during the year and, as a consequence, do not work on such days.

(b) The Commission believes that the duty not to discriminate on religious grounds, required by section 703(a)(1) of the Civil Rights Act of 1964, includes an obligation on the part of the employer to make reasonable accommodation to the religious needs of employees and prospective employees where such an accommodation can be made without undue hardship on the conduct of the employer's business. Such undue hardship, for example, may exist where the employee's needed work cannot be performed by another employee of substantially similar qualifications during the period of absence of the Sabbath observer.

(c) Because of the particularly sensitive nature of discharging or refusing to hire and employee or applicant on account of his religious beliefs, the employer has the burden of proving that an undue hardship renders the required accommodation to the religious needs of the employee unreasonable.

(d) The Commission will review each case on an individual basis in an effort to seek an equitable application of these guidelines to the variety of situations which arise due to the varied religious practices of the American people.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed amendment should file the same in duplicate, not later than 30 days after publication hereof in the FEDERAL REGISTER, with the Employment Opportunity Commission, Room 1234, 1800 G Street NW., Washington, D.C. 20506.

Signed at Washington, D.C., this 5th day of May 1967.

STEPHEN N. SHULMAN,
Chairman.

[F.R. Doc. 67-5222; Filed, May 9, 1967; 8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 17338]

INDICATING INSTRUMENTS AND AUTOMATIC LOGGING

Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of §§ 73.39, 73.320 and 73.688 of the Commission's rules and regulations pertaining to indicating instruments and automatic logging, Docket No. 17338, RM-954, RM-1044.

1. Comments in this proceeding are now due May 8, 1967, and reply comments are due on June 8, 1967. A petition, filed April 28, 1967, by Storer Broadcasting Co., requests that these due dates be extended to June 8, 1967, for comments, and to July 8, 1967, for reply comments. Petitioner states that its engineering department is of the view that the present due dates for comments do not provide sufficient time to permit the gathering of information necessary to the preparation of meaningful comments and that the additional month requested will be required.

2. Upon considering this request and the proposed rule changes under consideration in this proceeding, we are of the view that the additional time sought is not unreasonable under the circumstances and is warranted.

3. *Accordingly, it is ordered,* That the petition of Storer Broadcasting Company for extension of time is granted; that the time for filing comments herein is extended from May 8, 1967, to June 8, 1967; and that the time for filing reply comments is extended from June 8, 1967, to July 8, 1967.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules and regulations.

Adopted: May 1, 1967.

Released: May 4, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-5219; Filed, May 9, 1967; 8:48 a.m.]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 121]

SMALL BUSINESS SIZE STANDARDS

Notice of Proposal To Review Definition of Size Standard for Construction

Notice is hereby given that the Administrator of the Small Business Administration proposes to review the adequacy of the definition of a small business for the purpose of bidding on Government construction contracts presently contained in § 121.3-8 of the Small Business Size Standards Regulation, 32 F.R. 6175.

Subsection 121.3-8(a) of the Regulation provides:

(a) *Construction.* Any concern bidding on a contract for work which is classified in Division C, Contract Construction of the Standard Industrial Classification Manual, as

amended, prepared and published by the Bureau of the Budget, Executive Office of the President, is:

1. Small if its average annual receipts for its preceding 3 fiscal years do not exceed $7.5 million.

2. Small if it is bidding on a contract for dredging and its average annual receipts for its preceding 3 fiscal years do not exceed $5 million.

Division C, Contract Construction of the Standard Industrial Classification Manual, as amended, prepared by the Bureau of the Budget, Executive Office of the President, includes the following:

MAJOR GROUP 15. BUILDING CONSTRUCTION—GENERAL CONTRACTORS

1511 General Building Contractors.

MAJOR GROUP 16. CONSTRUCTION OTHER THAN BUILDING CONSTRUCTION—GENERAL CONTRACTORS

1611 Highway and Street Construction, Except Elevated Highways.
1621 Heavy Construction, Except Highway and Street Construction.

MAJOR GROUP 17. CONSTRUCTION—SPECIAL TRADE CONTRACTORS

1711 Plumbing, Heating (Except Electric), and Air Conditioning.
1721 Painting, Paper Hanging, and Decorating.
1731 Electrical Work.
1741 Masonry, Stone Setting, and Other Stonework.
1742 Plastering and Lathing.
1743 Terrazzo, Tile, Marble, and Mozaic Work.
1751 Carpentering.
1752 Floor Laying and Other Floorwork, Not Elsewhere Classified.
1761 Roofing and Sheet Metal Work.
1771 Concrete Work.
1781 Water Well Drilling.
1791 Structural Steel Erection.
1792 Ornamental Metal Work.
1793 Glass and Glazing Work.
1794 Excavating and Foundation Work.
1795 Wrecking and Demolition Work.
1796 Installation or Erection of Building Equipment, Not Elsewhere Classified.
1799 Special Trade Contractors, Not Elsewhere Classified.

It is proposed to review the construction size standards on the basis of the most recent data available. Interested persons are invited to file written statements or comments concerning this matter with the Small Business Administration within 30 days after publication of this notice in the FEDERAL REGISTER.

All correspondence shall be addressed to:

Associate Administrator for Procurement and Management Assistance, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416, Attention: Size Standards Staff.

Dated: May 1, 1967.

BERNARD L. BOUTIN,
Administrator.

[F.R. Doc. 67-5217; Filed, May 9, 1967; 8:48 a.m.]

Notices

POST OFFICE DEPARTMENT

UNIFORM QUALITY CONTROL PROGRAM

Newly Designed Uniform Items

The following is an excerpt from a notice which appeared in the Postal Bulletin of April 27, 1967:

The Post Office Uniform Quality Control Office, U.S. Army Natick Laboratories has developed and designed new uniform items for:

1. Male letter carriers, messengers, and letter box mechanics.
2. Male elevator operator and elevator starter.
3. Male guard and watchman.
4. Female elevator operator and elevator starter.
5. Female guard.

Specifications for these newly designed items have been issued to the uniform industry. Requirements covering these items and the effective dates for wear and reimbursement are specified below:

1. *Male letter carriers, messengers, and letter box mechanics.* Only authorized and specified uniform fabrics in color Post Office Blue 5000 shall be used in the manufacture of items A through E.

A. Jacket—Specifications PODUQC—No. 28: The color of the sleeve braid shall be P.O. Maroon 5004.

B. Trousers—Specification PODUQC—No. 30: There shall be reinforcing patches and flat P.O. Maroon 5004 braid at sides of these trousers.

C. Caps—Specification PODUQC—No. 33: This cap is made in accordance to the specification must conform to Post Office Department Bulletin No. 22, Item 2a as follows:

1. Cover—P.O. Blue 5000, uniform fabric.
2. Chinstrap—P.O. Maroon 5004 braided cable rayon cord.
3. Braid—P.O. Blue 5011, flat rayon braid.
4. Two (2) Badge Eyelets—Set horizontally 2⅛ inches apart in bevel of cap at front approximately 1 inch above top of band.

D. The braid on the helmet and fur cap will be Maroon 5004.

1. Braid on helmets and fur cap for Motor Vehicle employees will be ultramarine blue cable 65010.

E. Surcoat—Specification PODUQC—No. 29: The color of the sleeve braid shall be P.O. Maroon 5004.

F. Sweater—Specification PODUQC—No. 34: Type I—Lightweight, Type II—Heavyweight.

G. Belt—Specification PODUQC—No. 32: Black leather, Type II, 1¼ inches minimum.

As previously authorized, the shirts are P.O. Blue 5001 and ties are P.O. Maroon 5004.

H. *Effective dates.* Effective July 1, 1967, items meeting the above specifications are authorized for wear. Reimbursement is authorized for purchases made on and after July 1, 1967, for items manufactured in accordance with the above specifications.

Until February 28, 1968, male letter carriers, special delivery messengers, and letter box mechanics, may continue to purchase and be reimbursed for uniform items which conform to the specifications in effect prior to issuance of new specifications. Reimbursement shall be made for uniform items purchased after February 28, 1968, only if they are manufactured in conformity with the new specifications. Uniform items which conform to the prior specifications may continue to be worn until no longer serviceable.

II. *Male guard and watchman.* Only authorized and specified uniform fabrics in color P.O. Blue 5000 shall be used in the manufacture of items A through C.

A. Coat—Specification PODUQC—No. 35: There shall be no sleeve braid on this coat.

B. Trousers—Specification PODUQC—No. 30: There shall be no braid or reinforcing patches on these trousers.

C. Surcoat—Specification PODUQC—No. 29: There shall be no sleeve braid on the surcoat.

D. Cap—Specification PODUQC—No. 33: Cap for guard and watchman is different and must be manufactured as required and conforming to Post Office Department Bulletin No. 22, Items 2c and 2d as follows:

Cap for guard craft.

1. Cover—P.O. Blue 5003 (navy blue), 14 ounce, wool, serge.
2. Chinstrap—Black extruded vinyl strap for regular personnel.
3. Braid—P.O. Blue 5011, flat rayon braid.
4. One (1) Round Badge Eyelet—Set centered 1¼ inches above top of band in bevel of cap at front.

Cap for watchman craft.

1. Cover—P.O. White 5010, simulated leather grain vinyl coated fabric.
2. Chinstrap—P.O. Red 5008, extruded vinyl strap.
3. Braid—Ultramarine Blue No. 65010, flat rayon braid.
4. One (1) Round Badge Eyelet—Set centered 1¼ inches above top of band in bevel of cap at front.

E. Shirt—These shirts shall be manufactured in the same color (P.O. Blue 5001), fabrics and specifications worn by all uniformed categories.

F. Tie—Specification PODUQC—No. 7: Only the Four-in-Hand necktie is authorized. The color shall be P.O. Maroon 5004.

III. *Male elevator starter and elevator operator.* Only authorized and specified uniform fabrics in color P.O. Blue 5000 shall be used in the manufacture of Items A through C.

A. Cost—Specification PODUQC—No. 35: There shall be no sleeve braid on this coat.

B. Trousers—Specification PODUQC—No. 30: There shall be no braid or reinforcing patches on these trousers.

C. Cap—Specification PODUQC—No. 33: This cap made in accordance with the specification must conform to Post Office Department Bulletin No. 22, Item 2e as follows:

1. Cover—P.O. Blue 5000, uniform fabric.
2. Chinstrap—P.O. Maroon 5004, extruded vinyl strap.
3. Braid—P.O. Maroon 5004, flat rayon braid.
4. One (1) Round Badge Eyelet—Set centered 1¼ inches above top of band in bevel of cap at front.

D. Shirt—These shirts shall be manufacture in the same color (P.O. Blue 5001), fabrics and specifications worn by all uniformed categories.

E. Ties—Specification PODUQC—No. 7: Only the Four-in-Hand necktie is authorized. The color shall be P.O. Maroon 5004.

IV. a. *Female guards and the winter uniform items for female elevator operator and elevator starter.* Only authorized and specified uniform fabrics in color P.O. Blue 5000 shall be used in the manufacture of Items A and B.

A. Coat—Specification PODUQC—No. 14: There shall be no braid on this coat.

B. Skirt—Specification PODUQC—No. 14: There shall be no back pocket on this skirt.

C. Blouse—Specification PODUQC—No. 13: These shall be manufactured in the same color (P.O. Blue 5001) and fabrics worn by all uniformed categories.

D. Necktab—Specification PODUQC—No. 16: The color of the necktab shall be P.O. Maroon 5004.

E. Cap. To be announced for female guard. Cap not authorized for wear by female elevator personnel.

IV. b. *Summer uniform for female elevator operator and starter.* The same summer dresses as presently approved remain in effect.

V. *Insignia for shirts, jackets, coats, surcoats.* A. Color shall be white letter, border, and figures on a maroon background for all categories except motor vehicle personnel.

B. Sleeve insignia.

1. Post Office Department embroidered circular insignia with horse in forward motion: Worn centered at shoulder or left sleeve 1½ inches from shoulder seam.

2. Arc Tab: The arc tab listed below is worn above and abutting the circular insignia by the craft personnel in particular category:

Letter Carrier.
Special Delivery.
Letter Box Mechanic.
Elevator Operator.
Elevator Starter.
Guard.
Watchman.

3. Reverse Arc Tab: The arc tab listed below is worn under and abutting the circular insignia by the personnel in the particular category:

Maintenance Service.
Mail Handlers.

Employees must wear the correct arc tab designating their craft.

VI. *Effective dates.* Effective July 1, 1967, for personnel covered by paragraphs II, III, and IV items manufactured in accordance with the above specifications are authorized for wear. Reimbursement is authorized for purchases made on and after July 1, 1967. Until December 31, 1967, employees may continue to purchase and be reimbursed for uniform items which conform to the specifications in effect prior to issuance of these new specifications. On and after January 1, 1968, reimbursement shall be made for uniform items purchased after December 31, 1967, only if they are manufactured in conformity with the new specifications and color.

VII. *Wearout period.* For personnel covered by paragraphs II, III, and IV uniform items which conform to the prior specifications may continue to be worn until no longer serviceable.

VIII. *Quality control provisions.* Employees are reminded that reimbursement is authorized only for garments meeting specifications. Manufacturers whose garments meet the requirements are certified and given a certificate number. This number must be on a label that is required to be attached to each item.

IX. *Female letter carrier and female special delivery messenger.* A. The Post Office Depart-

ment Uniform Quality Control Office, U.S. Army Natick Laboratories, has issued to the uniform industry the following announcement in Post Office Department Bulletin No. 27 dated 30 March 1967:

Application of braid on Women's Letter Carrier and Special Delivery Messenger uniform items.

Coat—An approved flat nylon sleeve braid shall be sewn around each sleeve 3 inches from finished bottom with ends properly aligned in seam. Color shall be P.O. Maroon 5004.

Slacks—Slacks shall have an approved flat nylon braid extending the full length of the outseam and shall be caught in the joining of the outseam so that one-fourth inch of the width is visible on the outside. Color shall be P.O. Maroon 5004.

No braid is authorized for skirts.

B. *Effective dates.* All female Letter Carrier and female Messenger coats and slacks with or without braid meeting the specification requirements and containing a Quality Control certificate number are authorized for reimbursement effective immediately. On and after February 28, 1968 only coats and slacks with braid are authorized for reimbursement.

X. *Unchanged items.* The following items are unchanged:

A. Rainwear.
B. Rain cap covers.
C. Galoshes and rubbers.
D. Gloves.
E. Parka-type hoods.
F. Mesh caps.
G. Helmets and fur cap (with correct color braid).

(5 U.S.C. 301, 31 U.S.C. 686, 39 U.S.C. 501, 3116)

TIMOTHY J. MAY,
General Counsel.

MAY 4, 1967.

[F.R. Doc. 67-5190; Filed, May 9, 1967; 8:46 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Arizona 822]

ARIZONA

Notice of Proposed Withdrawal and Reservation of Lands

The Bureau of Reclamation, Department of the Interior has filed an application, Serial No. Arizona 822, for a withdrawal of the lands described below from all forms of entry or disposition including the mining laws but not mineral leasing laws, subject to existing valid rights. The lands involved, concurrent with the proposed use of the applicant, will continue to be administered for multiple resource purposes to the best interest of the public.

The applicant desires the lands for Charleston Dam and Reservoir, recreation area, and relocation of facilities within the San Pedro-Santa Cruz Project.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 3022 Federal Building, Phoenix, Ariz. 85025.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 21 S., R. 21 E.,
Sec. 1, lots 1, 2, 3, and 4, excluding Mineral Patents 6386, 8967, and 8968;
Sec. 3, lots 6 and 7, and SW¼;
Sec. 4, lot 1 and SE¼NE¼, E½SW¼NE¼, NE¼SE¼, and E½NW¼SE¼;
Sec. 9, E½NE¼, E½W½NE¼, N½NE¼SE¼, and SE¼NE¼SE¼;
Sec. 10, N½, SE¼, N½SW¼, N½SE¼SW¼, and SE¼SE¼SW¼;
Sec. 12, lots 1 and 2, and SE¼NW¼ and N½SE¼.
T. 21 S., R. 22 E.,
Sec. 6, lots 3, 4, 5, 6, 7, 8, and 9, and SE¼SW¼;
Sec. 7, lots 1 and 2, N½NE¼, SW¼NE¼, E½NW¼, and NE¼SW¼.

The areas described within the project aggregate approximately 1,989.47 acres.

Dated: May 3, 1967.

FRED J. WEILER,
State Director.

[F.R. Doc. 67-5215; Filed, May 9, 1967; 8:48 a.m.]

[I-1172]

IDAHO

Notice of Proposed Withdrawal and Reservation of Lands

MAY 3, 1967.

The Department of Agriculture has filed an application, Serial No. I-1172, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws but not the mineral leasing laws, subject to valid existing rights.

The applicant desires the land for public purposes as an administrative site in the Payette National Forest.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Post Office Box 2237, Boise, Idaho 83701.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Department of Agriculture.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The lands involved in the application are:

BOISE MERIDIAN

PAYETTE NATIONAL FOREST

Krassel Administrative Site (Addition)

T. 19 N., R. 6 E.,
Sec. 21, E½SW¼NE¼, and NE¼NW¼SE¼.

The area described aggregates 30 acres in Valley County.

ORVAL G. HADLEY,
Manager, Land Office.

[F.R. Doc. 67-5186; Filed, May 9, 1967; 8:45 a.m.]

[OR1630]

OREGON

Notice of Proposed Classification of Public Lands for Multiple Use Management

MAY 2, 1967.

1. Pursuant to the Act of September 19, 1964 (43 U.S.C. 1411-18) and to the regulations in 43 CFR Parts 2410 and 2411, it is proposed to classify for multiple use management the public lands within the area described below, together with any lands therein that may become public lands in the future. As used herein, "public lands" means any lands withdrawn or reserved by Executive Order No. 6910 of November 26, 1934, as amended, or within a grazing district established pursuant to the Act of June 28, 1934 (48 Stat. 1269), as amended, which are not otherwise withdrawn or reserved for a Federal use or purpose.

2. Publication of this notice has the effect of segregating the described lands from appropriation only under the agricultural land laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. sec. 334), and from sales under section 2455 of the Revised Statutes (43 U.S.C. 1171) and the lands shall remain open to all other applicable forms of appropriation, including the mining and mineral leasing laws.

3. The public lands proposed for classification are located within the following described area and are shown on map designated "Oregon 1630, 2411.2:36-01: April 1967," on file in the Lakeview District Office, Bureau of Land Management, Lakeview, Oreg., and the Land Office, Bureau of Land Management, 729 Northeast Oregon Street, Portland, Oreg. The description of the area is as follows:

WILLAMETTE MERIDIAN, OREGON

LAKE COUNTY

T. 23 S., R. 15 E.,
Secs. 33, 34.

T. 23 S., R. 16 E.,
Secs. 1, 2, secs. 11 to 14 inclusive, secs. 23 to 27 inclusive, secs. 34, 35, 36.
T. 23 S., R. 17 E.,
Secs. 1 to 36 inclusive.
T. 23 S., R. 18 E.,
Secs. 1 to 36 inclusive.
T. 23 S., R. 19 E.,
Secs. 1 to 36 inclusive.
T. 23 S., R. 20 E.,
Secs. 1 to 36 inclusive.
T. 23 S., R. 21 E.,
Secs. 7, 18, 19, secs. 26 to 36 inclusive.
T. 23 S., R. 23 E.,
Secs. 21 to 28 inclusive, secs. 33 to 36 inclusive.
T. 24 S., R. 13 E.,
Secs. 35, 36.
T. 24 S., R. 14 E.,
Secs. 1, 2, secs. 10 to 16 inclusive, secs. 20 to 36 inclusive.
T. 24 S., R. 15 E.,
Secs. 1 to 36 inclusive.
T. 24 S., R. 16 E.,
Secs. 1 to 36 inclusive.
T. 24 S., R. 17 E.,
Secs. 1 to 36 inclusive.
T. 24 S., R. 18 E.,
Secs. 1 to 30 inclusive, secs. 35, 36.
T. 24 S., R. 19 E.,
Secs. 1 to 36 inclusive.
T. 24 S., R. 20 E.,
Secs. 1 to 36 inclusive.
T. 24 S., R. 21 E.,
Secs. 3 to 10 inclusive, secs. 15 to 36 inclusive.
T. 24 S., R. 22 E.,
Secs. 30, 31.
T. 24 S., R. 23 E.,
Secs. 1 to 4 inclusive, secs. 9 to 16 inclusive, secs. 21 to 28 inclusive, secs. 33 to 36 inclusive.
T. 25 S., R. 13 E.,
Secs. 1, 2, 3, secs. 9 to 17 inclusive, secs. 20 to 29 inclusive, secs. 32 to 36 inclusive.
T. 25 S., R. 14 E.,
Secs. 1 to 36 inclusive.
T. 25 S., R. 15 E.,
Secs. 1 to 36 inclusive.
T. 25 S., R. 16 E.,
Secs. 1 to 36 inclusive.
T. 25 S., R. 17 E.,
Secs. 2 to 10 inclusive, W½W½ sec. 11, W½W½ sec. 14, secs. 15 to 36 inclusive.
T. 25 S., R. 18 E.,
Secs. 1, 12, 13, W½ sec. 19, W½ sec. 30, NW¼ sec. 31.
T. 25 S., R. 19 E.,
Secs. 1 to 18 inclusive, secs. 21 to 26 inclusive, secs. 34 to 36 inclusive.
T. 25 S., R. 20 E.,
Secs. 1 to 36 inclusive.
T. 25 S., R. 21 E.,
Secs. 1 to 36 inclusive.
T. 25 S., R. 22 E.,
Secs. 1 to 36 inclusive.
T. 25 S., R. 23 E.,
Secs. 1 to 36 inclusive.
T. 26 S., R. 13 E.,
Secs. 1 to 4 inclusive, secs. 9 to 16 inclusive, secs. 21 to 28 inclusive, secs. 33 to 36 inclusive.
T. 26 S., R. 14 E.,
Secs. 1 to 36 inclusive.
T. 26 S., R. 15 E.,
Secs. 1 to 20 inclusive, secs. 29 to 32 inclusive.
T. 26 S., R. 16 E.,
Secs. 1 to 14 inclusive, secs. 23 to 25 inclusive, sec. 36.
T. 26 S., R. 17 E.,
Secs. 1 to 24 inclusive, secs. 27 to 31 inclusive.
T. 26 S., R. 18 E.,
Secs. 6, 7, 8, 17, 18, 19, 20, 21, 27, 28, 29, 30, 33, 34, 35.
T. 26 S., R. 19 E.,
Secs. 1, 2, 3, secs. 7 to 28 inclusive, secs. 34, 35, 36.
T. 26 S., R. 20 E.,
Secs. 1 to 36 inclusive.
T. 26 S., R. 21 E.,
Secs. 1 to 36 inclusive.
T. 26 S., R. 22 E.,
Secs. 1 to 36 inclusive.
T. 26 S., R. 23 E.,
Secs. 1 to 36 inclusive.
T. 27 S., R. 13 E.,
Secs. 1 to 4 inclusive, secs. 9 to 16 inclusive, secs. 21 to 27 inclusive, secs. 33 to 36 inclusive.
T. 27 S., R. 14 E.,
Secs. 1 to 36 inclusive.
T. 27 S., R. 15 E.,
Secs. 4 to 10 inclusive, secs. 14 to 23 inclusive, secs. 26 to 36 inclusive.
T. 27 S., R. 17 E.,
S½S½ sec. 25, S½SE¼ sec. 26, E½ sec. 35, sec. 36.
T. 27 S., R. 18 E.,
N½ sec. 3, N½ sec. 4, S½S½ sec. 22, secs. 23 to 29 inclusive, S½S½ sec. 30, secs. 31 to 36 inclusive.
T. 27 S., R. 19 E.,
Secs. 1, 2, 3, 10, 11, 12, 13, 14, secs. 23 to 26 inclusive, W½SW¼ sec. 30, secs. 31, 35, 36.
T. 27 S., R. 20 E.,
Secs. 1 to 36 inclusive.
T. 27 S., R. 21 E.,
Secs. 1 to 36 inclusive.
T. 27 S., 22 E.,
Secs. 1 to 36 inclusive.
T. 27 S., R. 23 E.,
Secs. 1 to 36 inclusive.
T. 28 S., R. 13 E.,
Secs. 1 to 17 inclusive, secs. 20 to 36 inclusive.
T. 28 S., R. 14 E.,
Secs. 1 to 36 inclusive.
T. 28 S., R. 15 E.,
Secs. 1 to 36 inclusive.
T. 28 S., R. 16 E.,
Secs. 6, 7, 8, 12, 13, 14, E½SE¼ sec. 15, secs. 17 to 36 inclusive.
T. 28 S., R. 17 E.,
Secs. 1 to 5 inclusive, S½ sec. 6, secs. 7 to 36 inclusive.
T. 28 S., R. 18 E.,
Secs. 1 to 36 inclusive.
T. 28 S., R. 19 E.,
Sec. 1, E½ sec. 2, W½, W½SE¼ sec. 4, secs. 5 to 8 inclusive, W½, W½E½, SE¼SE¼ sec. 9, secs. 10 to 36 inclusive.
T. 28 S., R. 20 E.,
Secs. 1 to 36 inclusive.
T. 28 S., R. 21 E.,
Secs. 1 to 36 inclusive.
T. 28 S., R. 22 E.,
Secs. 1 to 36 inclusive.
T. 28 S., R. 23 E.,
Secs. 1 to 36 inclusive.
T. 29 S., R. 12 E.,
Sec. 1.
T. 29 S., R. 13 E.,
Secs. 1 to 18 inclusive.
T. 29 S., R. 14 E.,
Secs. 1 to 18 inclusive.
T. 29 S., R. 15 E.,
Secs. 1 to 18 inclusive, secs. 21 to 28 inclusive.
T. 29 S., R. 16 E.,
Secs. 1 to 36 inclusive.
T. 29 S., R. 17 E.,
Secs. 1 to 36 inclusive.
T. 29 S., R. 18 E.,
Secs. 1 to 36 inclusive.
T. 29 S., R. 19 E.,
Secs. 1 to 36 inclusive.
T. 29 S., R. 20 E.,
Secs. 1 to 36 inclusive.
T. 29 S., R. 21 E.,
Secs. 1 to 36 inclusive.
T. 29 S., R. 22 E.,
Secs. 1 to 36 inclusive.
T. 29 S., R. 23 E.,
Secs. 1 to 36 inclusive.
T. 30 S., R. 16 E.,
Secs. 2, 11, 14.
T. 30 S., R 17 E.,
Secs. 1 to 5 inclusive, secs. 8 to 16 inclusive, secs. 21 to 28 inclusive, secs. 34, 35, 36.
T. 30 S., R. 18 E.,
Secs. 1 to 36 inclusive.
T. 30 S., R 19 E.,
Secs. 1 to 36 inclusive.
T. 30 S., R. 20 E.,
Secs. 1 to 36 inclusive.
T. 30 S., R 21 E.,
Secs. 1 to 36 inclusive.
T. 30 S., R. 22 E.,
Secs. 1 to 36 inclusive.
T. 30 S., R 23 E.,
Secs. 1 to 36 inclusive.
T. 31 S., R. 16 E.,
Sec. 3.
T. 31 S., R. 17 E.,
Secs 1, 2, 3, secs. 7 to 36 inclusive.
T. 31 S., R. 18 E.,
Secs. 1 to 36 inclusive.
T. 31 S., R. 19 E.,
Secs. 1 to 36 inclusive.
T. 31 S., R. 20 E.,
Secs. 1 to 36 inclusive.
T. 31 S., R. 21 E.,
Secs. 1 to 36 inclusive.
T. 31 S., R. 22 E.,
Secs. 1 to 36 inclusive.
T. 31 S., R. 23 E.,
Secs. 1 to 36 inclusive.
T. 32 S., R. 17 E.,
Secs. 1 to 36 inclusive.
T. 32 S., R. 18 E.,
Secs. 1 to 36 inclusive.
T. 32 S., R. 19 E.,
Secs. 1 to 36 inclusive.
T. 32 S., R. 20 E.,
Secs. 1 to 36 inclusive.
T. 32 S., R. 21 E.,
Secs. 1 to 36 inclusive.
T. 32 S., R. 22 E.,
Secs. 1 to 36 inclusive.
T. 32 S., R. 23 E.,
Secs. 1 to 36 inclusive.
T. 33 S., R. 17 E.,
Secs. 1 to 6 inclusive, secs. 8 to 17 inclusive, secs. 23, 24.
T. 33 S., R. 18 E.,
Secs. 1 to 29 inclusive, secs. 32 to 36 inclusive.
T. 33 S., R. 19 E.,
Secs. 1 to 36 inclusive.
T. 33 S., R. 20 E.,
Secs. 1 to 36 inclusive.
T. 33 S., R. 21 E.,
Secs. 1 to 36 inclusive.
T. 33 S., R. 22 E.,
Secs. 1 to 36 inclusive.
T. 33 S., R. 23 E.,
Secs. 1 to 36 inclusive.
T. 33 S., R. 24 E.,
Secs. 1 to 36 inclusive.
T. 33 S., R. 25 E.,
Secs. 1 to 36 inclusive.
T. 33 S., R. 26 E.,
Secs. 1 to 35 inclusive.
T. 33 S., R. 27 E.,
Secs. 4 to 8 inclusive, secs. 17 to 19 inclusive.
T. 34 S., R. 18 E.,
Secs. 1 to 4 inclusive.
T. 34 S., R. 19 E.,
Secs. 1 to 36 inclusive.
T. 34 S., R. 20 E.,
Secs. 1 to 36 inclusive.
T. 34 S., R. 21 E.,
Secs. 1 to 36 inclusive.
T. 34 S., R. 22 E.,
Secs. 1 to 36 inclusive.
T. 34 S., R. 23 E.,
Secs. 1 to 36 inclusive.
T. 34 S., R. 24 E.,
Secs. 1 to 36 inclusive.
T. 34 S., R. 25 E.,
Secs. 1 to 36 inclusive.

T. 34 S., R. 26 E.,
Secs. 3 to 10 inclusive, secs. 16 to 20 inclusive, secs. 30, 31.
T. 34 S., R. 28 E.,
Secs. 1 to 36 inclusive.
T. 35 S., R. 19 E.,
Secs. 1 to 6 inclusive, secs. 8 to 17 inclusive, secs. 20 to 27 inclusive, secs. 34, 35, 36.
T. 35 S., R. 20 E.,
Secs. 1 to 36 inclusive.
T. 35 S., R. 21 E.,
Secs. 1 to 36 inclusive.
T. 35 S., R. 22 E.,
Secs. 1 to 36 inclusive.
T. 35 S., R. 23 E.,
Secs. 1 to 36 inclusive.
T. 35 S., R. 24 E.,
Secs. 1 to 36 inclusive.
T. 35 S., R. 25 E.,
Secs. 1 to 10 inclusive, secs. 17 to 20 inclusive, secs. 29 to 32 inclusive.
T. 35 S., R. 28 E.,
Secs. 1 to 36 inclusive.
T. 36 S., R. 20 E.,
Secs. 1 to 18 inclusive.
T. 36 S., R. 21 E.,
Secs. 1 to 18 inclusive.
T. 36 S., R. 22 E.,
Secs. 1 to 18 inclusive, secs. 21 to 28 inclusive, secs. 33 to 36 inclusive.
T. 36 S., R. 23 E.,
Secs. 1 to 36 inclusive.
T. 36 S., R. 24 E.,
Secs. 1 to 36 inclusive.
T. 36 S., R. 28 E.,
Secs. 1, 2, 3, 4, secs. 10 to 15 inclusive, secs. 22 to 27 inclusive, secs. 34 to 36 inclusive.
T. 37 S., R. 22 E.,
Secs. 1 to 4 inclusive, secs. 9 to 16 inclusive, secs. 21 to 27 inclusive, secs. 35, 36.
T. 37 S., R. 23 E.,
Secs. 1, 4, 6, 10, 12, 14, 18, 20, secs. 22 to 36 inclusive.
T. 37 S., R. 24 E.,
Secs. 1 to 36 inclusive.
T. 37 S., R. 28 E.,
Secs. 1 to 36 inclusive.
T. 38 S., R. 22 E.,
Secs. 1, 2, secs. 11 to 15 inclusive, secs. 21 to 29 inclusive, secs. 32 to 36 inclusive.
T. 38 S., R. 23 E.,
Secs. 1 to 36 inclusive.
T. 38 S., R. 24 E.,
Secs. 1 to 36 inclusive.
T. 38 S., R. 25 E.,
Secs. 1 to 36 inclusive.
T. 38 S., R. 26 E.,
Secs. 1 to 36 inclusive.
T. 38 S., R. 27 S.,
Secs. 1 to 36 inclusive.
T. 38 S., R. 28 E.,
Secs. 1 to 36 inclusive.
T. 39 S., R. 22 E.,
Secs. 1, 2, 3, 4, secs. 9 to 16 inclusive, secs. 22 to 27 inclusive, secs. 34 to 36 inclusive.
T. 39 S., R. 23 E.,
Secs. 1 to 36 inclusive.
T. 39 S., R. 24 E.,
Secs. 1 to 36 inclusive.
T. 39 S., R. 25 E.,
Secs. 1 to 36 inclusive.
T. 39 S., R. 26 E.,
Secs. 1 to 36 inclusive.
T. 39 S., R. 27 E.,
Secs. 1 to 36 inclusive.
T. 39 S., R. 28 E.,
Secs. 1 to 36 inclusive.
T. 40 S., R. 22 E.,
Secs. 1 to 5 inclusive, secs. 8 to 17 inclusive, secs 20 to 26 inclusive, secs. 28, 35, 36.
T. 40 S., R. 23 E.,
Secs. 1 to 36 inclusive.
T. 40 S., R. 24 E.,
Secs. 1 to 36 inclusive.
T. 40 S., R. 25 E.,
Secs. 1 to 36 inclusive.
T. 40 S., R. 26 E.,
Secs. 1 to 36 inclusive.
T. 40 S., R. 27 E.,
Secs. 1 to 36 inclusive.
T. 40 S., R. 28 E.,
Secs. 1 to 36 inclusive.
T. 41 S., R. 22 E.,
Secs. 1, 12, 13, 24.
T. 41 S., R. 23 E.,
Secs. 1 to 24 inclusive.
T. 41 S., R. 24 E.,
Secs. 1 to 24 inclusive.
T. 41 S., R. 25 E.,
Secs. 1 to 24 inclusive.
T. 41 S., R. 26 E.,
Secs. 1 to 24 inclusive.
T. 41 S., R. 27 E.,
Secs. 1 to 24 inclusive.
T. 41 S., R. 28 E.,
Secs. 1 to 24 inclusive.

The public lands in the area described aggregate approximately 2,404,000 acres.

4. For a period of 60 days from the date of publication of this notice in the FEDERAL REGISTER, all persons who wish to submit comments, suggestions, or objections in connection with the proposed classification may present their views in writing to the Lakeview District Manager, Bureau of Land Management, Post Office Box 429, Lakeview, Oreg. 97630.

5. A public hearing on the proposed classification will be held on June 15, 1967, at 10 a.m. at the Lake County Courthouse, Lakeview, Oreg.

JAMES F. DOYLE,
State Director.

[F.R. Doc. 67-5185; Filed, May 9, 1967; 8:45 a.m.]

OUTER CONTINENTAL SHELF OFF LOUISIANA

Oil and Gas Lease Sale

The notice (F.R. Doc. 3330) published in the FEDERAL REGISTER of March 25, 1967 (32 F.R. 4545) announcing a sale of oil and gas leases for areas of the Outer Continental Shelf offshore the State of Louisiana to be held on June 13, 1967, is amended and clarified as follows:

1. That portion of the regulations in 43 CFR 3382.5 requiring the successful bidder to execute the lease, pay the first year's rental, pay the balance of the bonus bid, and file a bond as required in 43 CFR 3384.1, within 30 days from his receipt of the lease forms, is suspended for the purposes of this sale only. In lieu thereof each successful bidder in this sale shall be allowed but 15 days to complete the requirements of this portion of the cited regulation.

2. All drilling permits which may later be approved under leases issued pursuant to the sale which are subject to the exclusive jurisdiction and control of the United States will contain provisions for the protection of fishing operations and aquatic values.

3. The time of the sale on June 13, 1967, and the time prior to which, or within which, bids would be received on that date, is designated in the sale notice as being "c.s.t.". Notice is hereby given that the time so designated is the accelerated "central standard time" (commonly referred to as "central daylight saving time") established by the Uniform Time Act of 1966 (80 Stat. 107, 15 U.S.C. secs. 260, et seq.): *Provided, however,* That should the State of Louisiana, by law enacted prior to June 13, 1967, exempt the entire State from such advancement of time, in accordance with the provisions and conditions of said Uniform Time Act of 1966, then the time designated in said notice of lease sale shall be the regular "central standard time" established by State law so enacted.

4. Leases issued pursuant to the notice of March 25, 1967 (32 F.R. 4545), for lands which are on the date of issuance thereof, or adjudicated to be on any date hereafter, subject to the exclusive jurisdiction and control of the United States will be subject to all rules and regulations which the Secretary of the Interior is authorized to prescribe and administer under the Outer Continental Shelf Lands Act (43 U.S.C. secs. 1331–1343) including rules and regulations for the prevention of waste and for conservation of the natural resources of the Outer Continental Shelf. The protection of correlative rights therein will be prescribed and administered by the Secretary of the Interior effective as of the effective date of such rules and regulations. In the event a cooperative agreement is concluded between the Secretary and the conservation agency of the State of Louisiana with respect to enforcement of conservation laws, rules and regulations pursuant to section 5 of the Act, the lessee will be given notice thereof by publication in the FEDERAL REGISTER.

STEWART L. UDALL,
Secretary of the Interior.

MAY 5, 1967.

[F.R. Doc. 67-5216; Filed, May 9, 1967; 8:48 a.m.]

Bureau of Reclamation

BLACK HILLS NATIONAL FOREST, S. DAK.

Order of Transfer of Administrative Jurisdiction of Land

By virtue of the authority vested in the Secretary of the Interior by section 7(c) of the Act of July 9, 1965 (79 Stat. 213), and his delegation of authority to the Commissioner of Reclamation dated February 25, 1966, published March 4, 1966 (31 F.R. 3426), jurisdiction over the following described lands, which lie within the exterior boundaries of the Black Hills National Forest, S. Dak., and which were acquired by the Bureau of Reclamation in the development of Deerfield Reservoir, Rapid Valley Project, S. Dak., and Pactola Reservoir, Rapid Valley Unit, Missouri River Basin Project, S. Dak., is hereby transferred to the Secretary of Agriculture for recreational and other National Forest Service System purposes:

DEERFIELD RESERVOIR, RAPID VALLEY PROJECT

BLACK HILLS MERIDIAN, SOUTH DAKOTA

Fee Lands

T. 1 N., R. 2 E.,
Sec. 25, HES 230.

T. 1 N., R. 3 E.,
Sec. 19, SE¼SE¼;
Sec. 20, NE¼NW¼SW¼, S½SW¼;
Sec. 29, lot 1, NE¼NW¼;
Sec. 30, lots 1, 2, 3, 5, 15 MS 1249, MS 1420 excluding lot 4;
Containing 625.5 acres.

Easement for Road

A strip of land sixty (60) feet in width, situated in the northwest quarter of the southwest quarter (NW¼SW¼) of sec. sixteen (16), T. one (1) N., R. three (3) E., Black Hills Principal Meridian, containing one and four-tenths (1.4) acres, and whose centerline location is more particularly described as follows:

Beginning at a point on the south line of the northwest quarter of the southwest quarter (NW¼SW¼) of sec. sixteen (16), T. one (1) N. R. three (3) E., Black Hills Principal Meridian, from whence the southwest corner of said sec. sixteen (16) bears south thirty-seven degrees, fifty-eight minutes, thirty-seven seconds, west (S. 37°58'37" W.) a distance of one thousand six hundred seventy-four (1,674) feet; thence north sixteen degrees east (N. 16° E.) a distance of eighty-six and six-tenths (86.6) feet to a point of curvature; thence along the arc of curve to the left having a radius of five hundred seventy-two and nine-tenths (572.9) feet a distance of one hundred fifty-seven and five-tenths (157.5) feet to a point of tangency; thence north fifteen minutes east (N. 15' E.) a distance of one hundred thirty-five and four-tenths (135.4) feet to a point of curvature; thence along the arc of a curve to the left having a radius of two hundred eighty-six and fifty-three hundredths (286.53) feet a distance of one hundred nineteen and four-tenths (119.4) feet to a point of tangency; thence north twenty-three degrees, thirty-eight minutes, west (N. 23°38' W.) a distance of one hundred fifty-six and two-tenths (156.2) feet to a point of curvature; thence along the arc of a curve to the right having a radius of two hundred thirty-eight and eighty-six hundredths (238.86) feet a distance of one hundred eighty-nine and five-tenths (189.5) feet to a point of tangency; thence north twenty-one degrees, forty-eight minutes, east (N. 21°48' E.) a distance of one hundred fifty-four (154) feet to intersection with the southwest right-of-way line of the present Hill City road, containing 1.4 acres.

PACTOLA RESERVOIR, RAPID VALLEY UNIT, MISSOURI RIVER BASIN PROJECT

BLACK HILLS MERIDIAN, SOUTH DAKOTA

Fee Lands

T. 1 N., R. 5 E.
Sec. 2, lot 7;
Sec. 3, lot 10;
HES 106, 598, 599, and MC 891.
T. 2 N., R. 5 E.,
Sec. 31, lot 13;
MS 2040 except the W½SE¼SE¼SE¼ of sec. 31;
Town of Silver City:
Blocks A, B, C, D, E;
Block 8, lots 1, 2, 3, 4, 5, 6, 31, 32;
Block 9, all except lots 1, 2, 17, 18;
Block 10, lots 6 to 16, inclusive, 29, 30, 31, 32;
Block 12, lots 4, 5, 12, 13, 14, 15, 27, 28, 29, 30;
Blocks 19, 20;
Continuing 652.11 acres.

Pursuant to said section (c) of the aforesaid Act of July 9, 1965, the above lands shall become National Forest lands: *Provided,* That all lands and waters within the Deerfield and Pactola Reservior Areas needed or used for the operation of the projects for other Reclamation purposes shall continue to be administered by the Commissioner of Reclamation to the extent he determines to be necessary for such operation.

This order shall be effective upon publication in the FEDERAL REGISTER.

Dated: May 1, 1967.

FLOYD E. DOMINY,
Commissioner of Reclamation.

[F.R. Doc. 67-5181; Filed, May 9, 1967; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-285]

OMAHA PUBLIC POWER DISTRICT

Notice of Receipt of Application for Construction Permit and Facility License

The Omaha Public Power District, 1623 Harney Street, Omaha, Nebr., has filed an application, pursuant to section 104b of the Atomic Energy Act of 1954, as amended, dated April 18, 1967, for licenses to construct and operate a pressurized water nuclear reactor designed for initial operation at 1420 thermal megawatts with a net electrical output of approximately 481 megawatts.

The proposed reactor, designated by the applicant as the Fort Calhoun Station, Unit No. 1, is to be located at the applicant's 382-acre site in Washington County, Nebr., on the southwest bank of the Missouri River, about 19 miles northwest of Omaha, Nebr.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 3d day of May 1967.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Acting Director,
Division of Reactor Licensing.

[F.R. Doc. 67-5188; Filed, May 9, 1967; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 18127]

CENTRAL AIRLINES CHICAGO ENTRY CASE

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a public hearing in the above-entitled proceeding is assigned to be held on June 27, 1967, at 10 a.m., e.d.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned Examiner.

For information concerning the issues involved and other details regarding this proceeding, interested persons are referred to the Prehearing Conference Report served on March 14, 1967, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., May 5, 1967.

[SEAL] EDWARD T. STODOLA,
Hearing Examiner.

[F.R. Doc. 67-5200; Filed, May 9, 1967; 8:46 a.m.]

[Docket No. 17914]

DENVER-GRAND JUNCTION-LAS VEGAS SERVICE INVESTIGATION

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding is assigned to be held on July 11, 1967, at 10 a.m., local time, in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the undersigned Examiner.

Dated at Washington, D.C., May 3, 1967.

[SEAL] WALTER W. BRYAN,
Hearing Examiner.

[F.R. Doc. 67-5201; Filed, May 9, 1967; 8:46 a.m.]

[Docket No. 18365; Order E-25109]

MARTY'S FLYING SERVICE

Order To Show Cause Regarding Establishment of Final Service Rate for Transportation of Mail

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 5th day of May 1967.

Martin J. McLaughlin doing business as Marty's Flying Service (Marty's), an air taxi operator providing air transportation under the provisions of Part 298 of the Board's Economic Regulations, by petition filed April 3, 1967, has requested the Board to establish a final service mail rate of 17 cents per mile for single engine aircraft and 23.5 cents per mile for twin engine aircraft for the transportation of mail by aircraft between (a) Panama City, Tallahassee, and Orlando, Fla., and (b) Pensacola, Tallahassee, and Jacksonville, Fla.

In its petition requesting establishment of this final service mail rate, Marty's states that the proposed rates will cover the fully allocated costs of the services proposed. In its answer, the Post Office Department supports the application of Marty's, stating that it believes the proposed rates represent a fair and reasonable compensation for the transportation of mail by aircraft, the facilities used and useful therefor and the services connected therewith. The Post Office answer also states that the services proposed by Marty's will eliminate presently existing schedule deficiencies in the market and that the schedules to be provided and the terms and conditions set forth in the petition will properly satisfy the postal requirements.

By Order E–25108, dated May 5, 1967, Marty's was granted an exemption from section 401 of the Federal Aviation Act of 1958 and Part 298 of the Board's Economic Regulations to permit it to provide the proposed air transportation of mail. Since no mail rate is presently in effect for this carrier, it is necessary to fix and determine the fair and reasonable rate of compensation to be paid to Marty's by the Postmaster General for the air transportation of mail.

The Board, therefore, finds it in the public interest to fix and determine the fair and reasonable rates of compensation to be paid to Marty's Flying Service by the Postmaster General for the transportation of all classes of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the petition and other matters officially noticed, the Board proposes to issue an order to include the following findings and conclusions:

1. The fair and reasonable final service mail rate to be paid to Martin J. McLaughlin doing business as Marty's Flying Service pursuant to section 406 of the Federal Aviation Act of 1958 for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith between (a) Panama City, Tallahassee, and Orlando, Fla., and (b) Pensacola, Tallahassee, and Jacksonville, Fla., shall be 17 cents per aircraft mile for single engine aircraft and 23.5 cents per aircraft mile for twin engine aircraft.

2. The final service mail rate here fixed and determined is to be paid in its entirety by the Postmaster General.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and pursuant to regulations promulgated in 14 CFR Part 302: *It is ordered,* That:

1. All interested persons and particularly Marty's Flying Service and the Postmaster General, are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine and publish the final rate specified above as the fair and reasonable rate of compensation to be paid to Marty's Flying Service, for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and if there is any objection to the rate or to the other findings and conclusions proposed herein notice thereof shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days, after the date of service of this order;

3. If notice of objection is not filed within 10 days, or if notice is filed and answer is not filed within 30 days, after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served upon Marty's Flying Service, and the Postmaster General.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 67–5202; Filed, May 9, 1967; 8:47 a.m.]

[Docket No. 17161]

NORDAIR LTEE—NORDAIR, LTD.

Notice of Prehearing Conference

Application for a permit for charter foreign air transportation with regard to passengers and cargo for a term of 5 years between any point or points in Canada and any point or points in the United States, including its territories and possessions, subject to Part 214 of the Civil Aeronautics Board regulations.

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on June 6, 1967, at 10 a.m., e.d.s.t., in Room 701, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Examiner William J. Madden.

Dated at Washington, D.C., May 5, 1967.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 67–5203; Filed, May 9, 1967; 8:47 a.m.]

[Docket No. 16766, etc.]

NORTH CENTRAL AIRLINES, INC.

Notice of Hearing

Notice is hereby given pursuant to the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to begin on July 18, 1967, at 10 a.m. (local time), at the Commission chambers in the city hall at Ninth Street and Dakota Avenue, Sioux Falls, S. Dak.

For fuller information, interested persons are referred to the prehearing conference report served April 17, 1967, and other material contained in the docket of this proceeding on file with the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., May 4, 1967.

[SEAL] BARRON FREDRICKS,
Hearing Examiner.

[F.R. Doc. 67–5204; Filed, May 9, 1967; 8:47 a.m.]

[Docket No. 18174]

SOCIEDAD AERONAUTICA DE MEDELLIN CONSOLIDADA, S.A. (SAM)

Notice of Postponement of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding is postponed to be held on June 20, 1967, at 10 a.m. (local time) in Room 911, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the undersigned Examiner.

Dated at Washington, D.C., May 3, 1967.

[SEAL] WALTER W. BRYAN,
Hearing Examiner.

[F.R. Doc. 67–5205; Filed, May 9, 1967; 8:47 a.m.]

[Docket No. 18500]

SWISSAIR, SWISS AIR TRANSPORT CO., LTD.

Notice of Hearing

Application for amendment of its foreign air carrier permit for authority to offer stopover privileges to passengers carried between Europe and Chicago in either direction, such authorization to terminate September 15, 1967.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing on the above-entitled application is assigned to be held on May 10, 1967, at 10 a.m., e.d.s.t., in Room 701, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Chief Examiner Francis W. Brown.

Dated at Washington, D.C., May 5, 1967.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 67–5206; Filed, May 9, 1967; 8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 17401–17404]

MIAMI BROADCASTING CORP. ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Miami Broadcasting Corp., Miami, Fla., Docket No. 17401, File No. BPH–4910; Requests: 107.5 mc, No. 298; 100 kw (H&V); 313.3 ft.; W.B.B.J., Inc., Miami, Fla., Docket No. 17402, File No. BPH–5465; Requests: 107.5 mc, No. 298; 100 kw (H&V); 274 ft.; Mission East Co., Miami, Fla., Docket No. 17403, File No. BPH–5481; Requests: 107.5 mc, No. 298; 100 kw (H&V); 343 ft.; Edward Winton, Silva M. Feldman, David Ginsburg, Norma Fine, and Al Lapin, Jr.,

doing business as WSKP Broadcasters, Miami, Fla., Docket No. 17404, File No. BPH-5661; Requests: 107.5 mc, No. 298; 100 kw (H&V); 749 ft.; for construction permits.

1. The Commission, by the Chief, Broadcast Bureau, under delegated authority considered the above captioned and described applications for construction permits which are mutually exclusive in that operation by the applicants as proposed would cause mutually destructive interference.

2. Since it has not been determined that the antennas proposed by Miami Broadcasting Corp. and W.B.B.J., Inc., would not constitute a menace to air navigation, issues regarding this matter is required.

3. Consideration of the programing proposals is required because of the substantial and material difference between the proposals in the amount of AM programing to be duplicated. WSKP Broadcasters proposes 50 percent duplicated programing, while the other three applicants propose independent operation. Therefore, evidence regarding duplicated programing will be admissible under the standard comparative issue.

4. Except as indicated below, each of the applicants is qualified to construct and operate as proposed. However, because of their mutual exclusivity the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that they must be designated for hearing in a consolidated proceeding on the issues set forth below.

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether there is a reasonable possibility that the tower height and location proposed by Miami Broadcasting Corp. would constitute a menace to air navigation.

2. To determine whether there is a reasonable possibility that the tower height and location proposed by W.B.B.J., Inc., would constitute a menace to air navigation.

3. To determine which of the proposals would better serve the public interest.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications for construction permit should be granted.

It is further ordered, That the Federal Aviation Agency is made a party to the proceeding.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and party respondent herein, pursuant to § 1.221(c) of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: April 28, 1967.

Released: May 5, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67-5220; Filed, May 9, 1967; 8:48 a.m.]

[Docket No. 17186; FCC 67-526]

VESTAL VIDEO, INC. AND EASTERN MICROWAVE, INC.

Memorandum Opinion and Order Instituting Investigation

In the matter of Vestal Video, Inc., Vestal, N.Y. 13850, Complainant; versus Eastern Microwave, Inc., Syracuse, N.Y. 13203, Defendant; Docket No. 17186.

1. On February 6, 1967, Vestal Video, Inc., a community antenna television operator, filed an amended formal complaint against the above-named defendant in which complainant challenges the lawfulness of certain charges for point-to-point microwave relay service furnished by defendant to complainant for the purpose of relaying television program material. (See, section 208 of the Communications Act of 1934).

2. The specific charges complained of are currently published in defendant's Tariff FCC No. 3 at First Revised Page 14, as follows:

> Channels for monochrome and/or color television transmission service are furnished to each subscriber at the following charges:
>
> First channel—$450 per month.
> Second channel—$300 per month.

3. The $450 and $300 rates quoted above are increased rates which were established by revisions to defendant's Tariff FCC No. 3 filed on September 23, 1966, and which became effective on January 1, 1967. Prior to January 1, 1967, the rates were $300 for the first channel and $200 for the second channel.

4. Complainant alleges, in substance, that, in February 1965, it ordered two channels from defendant for a total price of $500 a month; that this increase, 2 years after initial service was inaugurated, is unfair, unreasonable, and exorbitant; and that if complainant had known that it would cost $750 a month it might not have ordered the service. Complainant requests monetary damages from defendant in the amount of $250 for each month that it has paid since January 1, 1967, and for each month that it will pay in the future for the two channels it obtains from defendant.

5. On March 9, 1967, defendant filed its answer to the complaint accompanied by a motion to dismiss in which defendant alleges, in substance, that the allegations in the complaint that the rates are unfair, unreasonable, and exorbitant are conclusions that are unsupported by any facts shown in the complaint; that the fact that complainant might not have ordered the service if it had known of a rate increase 2 years in the future is not sufficient to constitute a legal basis for the complaint; that complainant apparently contends that common carriers should never be permitted to raise rates; and that the rate increases of January 1, 1967, were just and reasonable on their face.

6. Our review of defendant's tariff schedules that were in effect at the time complainant ordered service in February 1965 reveals that defendant offered service only on a contract basis; that the contract period was stated to be for 3 years at the monthly charges shown in the tariff; and that the tariffs then in effect provided that, if service was terminated before expiration of the 3-year contract period, the customer was obligated to pay the entire "contract charge," reduced proportionately for each month of use.

7. We believe that the complaint fairly raises questions as to the justness and reasonableness of the increases in monthly charges to the complainant prior to the expiration of the 3-year contract period of service ordered by complainant. At the time defendant filed these increases with the Commission, the only showing made in support therefor was a statement in the tariff transmittal letter that "the new rates are prompted by increased operation and equipment costs associated with Eastern Microwave's system." We do not regard this showing as complying with Part 61 of our rules which requires all carriers upon the filing of increased charges, to show "the facts upon which the carrier relies in justification thereof." (47 CFR 61.33) No facts were submitted with respect to the alleged increased operation and equipment costs.

8. In the light of the complaint filed herein, we have reexamined the presently effective tariff (FCC No. 3) of defendant in its entirety and it appears from our review that there are provisions therein other than those referred to above that are questionable. There are, for example, provisions for the collection of charges that are not stated in dollars and cents in apparent violation of section 203 of the Act and our rules (see § 61.55(h) of our rules and our decision in A.T. & T. and Western Union Private Line Cases, 34 F.C.C. 217; 363-368 (1963)). These, and other interrelated tariff provisions present substantive questions as to whether the presently effective tariff is lawful within the meaning of sections 201(b), 202(a), and 203 of the Communications Act of 1934.

9. For the foregoing reasons, we conclude that we should institute an investi-

gation into the lawfulness of the presently effective tariff schedules of defendant that will enable us to resolve not only the issues raised by the complaint but also questions as to the lawfulness of all of the provisions in such tariff schedules.

10. *Accordingly, it is ordered,* That pursuant to the provisions of sections 201–209 of the Communications Act of 1934, as amended, an investigation is instituted into the lawfulness of Tariff FCC No. 3 of Eastern Microwave, Inc., and any amendments, cancellations, or reissues thereof;

11. *It is further ordered,* That the scope of the investigation shall include consideration of the following:

(1) Whether the charges, classifications, practices, and regulations published in the aforesaid tariff are or will be unjust and unreasonable within the meaning of section 201(b) of the Act or unduly preferential or discriminatory within the meaning of section 202(a) of the Act;

(2) Whether the aforesaid tariff conforms to the requirements of section 203 of the Act and Part 61 of our rules;

(3) If any of such charges, classifications, practices, and regulations are found to be unlawful, whether the Commission, pursuant to section 205 of the Act, should prescribe charges, classifications, practices, and regulations for the services governed by the tariffs, and, if so, what should be prescribed;

(4) Whether the increased charges collected by defendant from complainant under the aforementioned revised tariff schedules that became effective January 1, 1967, are lawful within the meaning of sections 201(b) and 202(a) of the Act and the amount of damages, if any, that the complainant may be entitled to as a result of the collection of such increased charges;

12. *It is further ordered,* That defendant's motion to dismiss is denied without prejudice;

13. *It is further ordered,* That a copy of this memorandum opinion and order shall be served upon the complainant and defendant;

14. *It is further ordered,* That a hearing examiner shall be designated to preside in the proceedings ordered herein, who shall prepare an initial decision on all of the issues herein as provided in § 1.267 of the Commission's rules.

Adopted: May 3, 1967.

Released: May 5, 1967.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 67–5221; Filed, May 9, 1967; 8:48 a.m.]

FEDERAL MARITIME COMMISSION

HANSEATIC SCHIFFAHRTS-GESELLSCHAFT M.B.H. & CO. ET AL.

Application for Certificate of Financial Responsibility

Notice is hereby given that pursuant to the provisions of section 3, Public Law 89–777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20 (46 C.F.R. 540) the following persons have applied to the Federal Maritime Commission for a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation:

Hanseatic Schiffahrts-Gesellschaft m.b.H. & Co.
Deutsche Atlantik Schiffahrts-Gesellschaft m.b. H. & Co. (Hanseatic Line, Inc.) (German Atlantic Line, GAL).
Wisconsin & Michigan Steamship Co.
Council on International Educational Exchange, Inc. (Council on Student Travel).

Dated: May 5, 1967.

FRANCIS C. HURNEY,
Special Assistant to the Secretary.

[F.R. Doc. 67–5208; Filed, May 9, 1967; 8:47 a.m.]

CANADIAN PACIFIC RAILWAY CO. ET AL.

Issuance of Certificate of Financial Responsibility

Notice is hereby given that pursuant to the provisions of section 3, Public Law 89–777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20 (46 CFR part 540) that a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation has been issued to the following (all effective May 5, 1967):

Canadian Pacific Railway Co. (Canadian Pacific), Certificate No. P–39.
Atlantic Far East Lines, Inc. (Orient Overseas Line), Certificate No. P–40.
Mitsui-O.S.K. Lines, Ltd., Certificate No. P–41.

Dated: May 5, 1967.

FRANCIS C. HURNEY,
Special Assistant to the Secretary.

[F.R. Doc. 67–5209; Filed, May 9, 1967; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. CP67–181 etc.]

EAST TENNESSEE NATURAL GAS CO. ET AL.

Order Consolidating Applications for Hearing and Denying Request for Temporary Certificate

MAY 2, 1967.

East Tennessee Natural Gas Co., Kentucky-Tennessee Natural Gas Co., The Mayor and Aldermen of the town of Algood, Tenn., Applicant, East Tennessee Natural Gas Co., Respondent, Docket Nos. CP67–181 and CP67–221, CP67–270, CP67–206.

By application filed February 6, 1967, under section 7(c) of the Natural Gas Act, East Tennessee Natural Gas Co. (East Tennessee) seeks a certificate of public convenience and necessity authorizing the construction and operation of facilities adequate to increase East Tennessee's system capacity by approximately 28,000 Mcf/d in order to meet estimated requirements for the 1967–68 heating season and thereafter.

At the time East Tennessee's application was filed, we had pending before us the application filed January 23, 1967, by The Mayor and Aldermen of the town of Algood, Tenn. (Algood), under section 7(a) of the Natural Gas Act requesting an order directing East Tennessee to interconnect its facilities with and sell natural gas to Algood in lieu of Algood's present gas supply from the city of Cookeville. In response to Algood's application, Respondent, East Tennessee, stated that its present capacity is insufficient to meet Algood's request on a long-term basis, but that upon authorization of East Tennessee's requests in Docket No. CP67–221 such capacity would be available.

On March 21, 1967, Kentucky-Tennessee Natural Gas Co. (Kentucky-Tennessee) filed an application pursuant to section 7(c) of the Natural Gas Act to sell volumes of natural gas to Cumberland Valley Pipe Line Co., such volumes to be purchased by Kentucky-Tennessee from East Tennessee. East Tennessee's application in Docket No. CP67–221 includes a request to sell natural gas volumes to Kentucky-Tennessee.

Since the applications of Algood in Docket No. CP67–206 and Kentucky-Tennessee in Docket No. CP67–270 are dependent upon our disposition of East Tennessee's application in Docket No. CP67–221, these applications will be consolidated for hearing and disposition. The Presiding Examiner shall fix the dates for holding a prehearing conference, the commencement of hearing and for the service of testimony.

By application filed December 23, 1966, East Tennessee requested temporary authorization until November 1, 1967, to provide additional firm service of approximately 9,000 Mcf/d of natural gas to four resale and three direct sale customers. The issuance of such temporary authorization under section 7(c) of the Natural Gas Act would be appropriate only to assure maintenance of adequate service during an emergency period. East Tennessee's application in Docket No. CP67–181, however, shows no evidence of emergency at present or until November 1, 1967, and we will accordingly deny East Tennessee's application for a temporary certificate. Nevertheless, East Tennessee will be afforded full opportunity in Docket No. CP67–221 to establish its need to increase firm service to the

customers involved in Docket No. CP67–181.

The Commission finds:

(1) Disposition of the above-entitled dockets are dependent upon the Commission's disposition of East Tennessee's application in Docket No. CP67–221, and the dockets accordingly should be consolidated for hearing and disposition.

(2) East Tennessee has not shown in Docket No. CP67–181 an emergency within the meaning of section 7(c) of the Natural Gas Act, and its request for a temporary certificate of public convenience and necessity accordingly should be denied.

The Commission orders;

(A) The above-entitled dockets are consolidated for hearing and disposition.

(B) The request of East Tennessee in Docket No. CP67–181 for a temporary certificate of public convenience and necessity is denied.

By the Commission.

[SEAL] JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 67–5210; Filed, May 9, 1967; 8:47 a.m.]

[Docket No. CP63–80]

MIDWESTERN GAS TRANSMISSION CO.

Notice of Petition to Amend

MAY 1, 1967.

Take notice that on April 21, 1967, Midwestern Gas Transmission Co. (Petitioner), Post Office Box 774, Chicago, Ill. 60690, filed in Docket No. CP63–80 a petition to amend the order issued by the Commission January 25, 1963, as amended June 2, 1965, by authorizing the construction and operation of certain additional natural gas facilities and the rendering of natural gas storage service, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the abovementioned order, as amended, Petitioner was authorized to construct and operate certain natural gas facilities for the purpose of evaluating certain natural gas storage reservoirs.

Petitioner hereby seeks authorization to construct and operate the following facilities incident to rendering storage service from the abovementioned natural gas storage reservoirs:

(1) Drill, complete and connect to the gathering system 13 additional injection-withdrawal wells,

(2) Drill and complete three observation wells,

(3) Re-enter two dry holes and complete as observation wells,

(4) Convert four observation wells to injection-withdrawal wells and connect to the gathering system,

(5) Recomplete, or perforate additional section, or plug back seven injection-withdrawal wells,

(6) Install an additional 660 horsepower compressor, a separator, and a storage tank at the Elbridge Compressor Station,

(7) Install gas sweetening units at both the Elbridge and State Line Compressor Stations,

(8) Install additional Glycol Dehydration facilities at both the Elbridge and State Line Compressor Stations, and

(9) Inject an additional 3,588,000 Mcf of base gas.

Petitioner also seeks authorization to provide storage service for Northern Illinois Gas Co. (Illinois) and Northern Indiana Public Service Co. (Indiana) from the above mentioned natural gas storage fields. Petitioner states that Illinois desires to purchase storage service from it with a daily storage quantity of 15,333 Mcf of natural gas and a winter storage quantity 1,149,975 Mcf of natural gas and that Indiana desires to purchase storage service from it with a daily storage quantity of 30,667 Mcf of natural gas and a winter storage quantity of 2,300,025 Mcf of natural gas. Petitioner proposes to commence service to these customers on November 1, 1967. Petitioner proposes to render such service under a new rate schedule to be designated as Rate Schedule SS–1, attached to the Petition to Amend as a part of Exhibit Z–7.

Petitioner estimates that the total cost of the facilities, both completed to date and proposed, will be $10,111,015. Petitioner states that the cost of the facilities proposed will necessitate no additional financing and will be covered from cash on hand, temporary cash investments and cash generated from operations.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 29, 1967.

JOSEPH H. GUTRIDE, *Secretary.*

[F.R. Doc. 67–5211; Filed, May 9, 1967; 8:47 a.m.]

FEDERAL RESERVE SYSTEM

MANUFACTURERS AND TRADERS TRUST CO.

Order Approving Merger of Banks

In the matter of the application of Manufacturers and Traders Trust Co. for approval of merger with The Bank of Perry.

There has come before the Board of Governors, pursuant to the Bank Merger Act (12 U.S.C. 1828(c)), an application by Manufacturers and Traders Trust Co., Buffalo, N.Y., a State member bank of the Federal Reserve System, for the Board's prior approval of the merger of that bank and The Bank of Perry, Perry, N.Y., under the charter and title of Manufacturers and Traders Trust Co. As an incident to the merger, the sole office of The Bank of Perry would become a branch of the resulting bank. Notice of the proposed merger, in form approved by the Board, has been published pursuant to said Act.

Upon consideration of all relevant material in the light of the factors set forth in said Act, including reports furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Attorney General on the competitive factors involved in the proposed merger.

It is hereby ordered, for the reasons set forth in the Board's statement[1] of this date, that said application be and hereby is approved, provided that said merger shall not be consummated (a) before the 30th calendar day following the date of this Order or (b) later than 3 months after the date of this order.

Dated at Washington, D.C., this 1st day of May, 1967.

By order of the Board of Governors.[2]

[SEAL] MERRITT SHERMAN, *Secretary.*

[F.R. Doc. 67–5179; Filed, May 9, 1967; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[812–2103]

MASSACHUSETTS INVESTORS TRUST

Notice of Filing of Application for Order Exempting From Sale by Open-End Company

MAY 4, 1967.

Notice is hereby given that Massachusetts Investors Trust ("Applicant"), 200 Berkeley Street, Boston, Mass., a Massachusetts common law trust registered under the Investment Company Act of 1940, 15 U.S.C. sec. 80a–1, et seq., ("Act") as an open-end diversified investment company, has filed an application pursuant to section 6(c) of the Act requesting an order of the Commission exempting from the provisions of section 22(d) of the Act a transaction in which Applicant's redeemable securities will be issued at a price other than the current public offering price described in the prospectus in exchange for the assets of E. Salz & Son, Inc. ("Salz"). All interested persons are referred to the application on file with the Commission for a statement of Applicant's representations which are summarized below.

Salz, a California corporation, is a personal holding company all of whose

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[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of New York. Dissenting statement of Governor Robertson also filed as part of the original document and available upon request.

[2] Voting for this action: Chairman Martin, and Governors Shepardson, Mitchell, Maisel, and Brimmer. Voting against this action: Governor Robertson. Absent and not voting: Governor Daane.

outstanding stock is owned by six individuals, two trusts and one estate and is excepted from the Act by reason of the provisions of section 3(c)(1) thereof. Pursuant to an agreement between Applicant and Salz substantially all of the cash and securities owned by Salz, with a value of approximately $2,605,864 as of November 30, 1966, will be transferred to Applicant in exchange for shares of beneficial interest in Applicant.

The number of shares of beneficial interest of Applicant to be issued to Salz is to be determined by dividing the aggregate market value (with certain adjustments set forth in the application) of the assets of Salz to be transferred to Applicant by the net asset value per share of Applicant, both to be determined as of the valuation time, as defined in the agreement. If the valuation under the agreement had taken place on November 30, 1966, Salz would have received 161,761 of Applicant's shares. The exchange contemplated by the agreement would be prohibited by section 22(d) as being a sale of a redeemable security by a registered investment company at a price other than a current offering price described in the prospectus, unless exempted by an order under section 6(c) of the Act.

When received by Salz, the shares of Applicant are to be distributed to the stockholders of Salz on the liquidation of Salz. Applicant has been advised by the management of Salz that the stockholders of Salz do not have any present intention of redeeming or otherwise transferring the shares of Applicant to be received on such liquidation except to the extent that the estate of a deceased shareholder may find it necessary to redeem shares for the purpose of paying Federal and State estate and inheritance taxes.

There is no connection between Applicant and Salz and no officer or shareholder of Salz is an affiliated person of Applicant. The agreement was negotiated at arm's length by the two companies. The management of Applicant approved the agreement as being beneficial to its shareholders, taking all relevant considerations into account including, among others, the fact that the resulting increase in assets will tend to reduce per share expenses.

Section 6(c) of the Act provides, among other things, that the Commission, by order upon application, may conditionally or unconditionally exempt any transaction from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than May 25, 1967, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant, at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after such date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-5182; Filed, May 9, 1967; 8:45 a.m.]

[70-4486]

BLACKSTONE VALLEY ELECTRIC CO.

Notice of Proposed Issue and Sale of First Mortgage and Collateral Trust Bonds at Competitive Bidding

MAY 4, 1967.

Notice is hereby given that Blackstone Valley Electric Co. ("Blackstone"), 55 High Street, Pawtucket, R.I. 02860, a public-utility subsidiary company of Eastern Utilities Associates ("EUA"), a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating sections 6(b), 12(c), and 12(f) of the Act and Rules 42(b)(2) and 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

Blackstone proposes to issue and sell, subject to the competitive bidding requirements of Rule 50, $7 million principal amount of First Mortgage and Collateral Trust Bonds ("New Bonds"), ------ percent series due June 1, 1997. The interest rate (which shall be a multiple of one-eighth of 1 percent and the price, exclusive of accrued interest (which shall be not less than 100 percent nor more than 102.75 percent of the principal amount thereof) for the New Bonds will be determined by the competitive bidding. The New Bonds will be issued under a Mortgage and Deed of Trust, dated November 1, 1943 ("Mortgage"), between Blackstone and State Street Bank and Trust Co., trustee, as heretofore supplemented and as to be further supplemented by a third supplemental indenture to be dated June 1, 1967.

The net proceeds from the sale of the New Bonds will be used to prepay, in part or in whole without premium, Blackstone's short-term notes to banks and/or to EUA, which were issued to provide funds for the purchase of securities of Montaup Electric Co., another EUA public-utility subsidiary company, and for construction.

Fees and expenses relating to the proposed transaction are estimated at $45,000, including legal fees and expenses of $10,000 and accountant's fees of $2,500. The fees and expenses of counsel for the underwriters, to be paid by the successful bidders, are estimated at $5,300.

It is stated that the Public Utility Administrator of the State of Rhode Island, the State Commission of the State in which Blackstone is organized and doing business, has jurisdiction over the proposed issue and sale of New Bonds and the retirement by Blackstone of short-term notes to banks and/or to EUA. It is further stated that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than June 2, 1967, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed contemporaneously with the request. At any time after said date, the application as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 67-5183; Filed, May 9, 1967; 8:45 a.m.]

[24 FW-1345]

EVANS PETROLEUM CORP.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

MAY 4, 1967.

I. Evans Petroleum Corp., Stillwater, Okla., incorporated under the laws of the State of Oklahoma on December 12, 1963, filed with the Commission on September 8, 1964, a notification on Form 1–A and an offering circular relating to an offering of 350,000 shares of its 5-cent par value common stock at a price of 25 cents per share for an aggregate offering of $87,500 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) and Regulation A promulgated thereunder. The offering commenced on March 12, 1965. The offering circular was dated as of February 15, 1965. The issuer filed on January 20, 1967, a Form 2–A report dated January 15, 1967, which stated that 126,700 shares had been sold for $29,675 and that the offering was continuing with respect to the 223,300 shares remaining to be sold. The issuer also filed on January 20, 1967, an amended offering circular pursuant to the requirements of Rule 256(e) of Regulation A, for the purpose of continuing the offering for the 223,300 shares remaining unsold.

II. The Commission has reason to believe from information reported to it by its staff that:

A. The terms and conditions of Regulation A have not been complied with in that:

1. The issuer offered and sold certain of its securities without using an offering circular containing the information required by Schedule I of Form 1–A in violation of Rules 256(a) (1) and (2).

2. The issuer used an offering circular in connection with the offer and sale of certain of its securities which did not meet the requirements of Rule 256(e).

B. The notification and offering circular, dated February 15, 1965, and as amended on January 15, 1967, pursuant to Rule 256(e), contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading, particularly with respect to the following:

1. The statement in the offering circular that the issuer will not pay any salaries to its officers and directors until the company's ventures are successful and the company is on a paying basis.

2. The statement in the offering circular under the caption "Officers and Directors and Promoters" that the issuer would not effect any transactions with officers, directors, and promoters except those disclosed in the offering circular.

3. The failure to disclose adequately and accurately the intention of the issuer to negotiate for and obtain other oil or gas land or leases which would involve a large expenditure of corporate funds.

4. The offering circular is false and misleading in implying that the issuer will develop its Noble and Lincoln properties with the proceeds of the offering.

5. The failure to disclose adequately and accurately that neither of the two oil wells in which issuer has an interest has produced enough oil to date to cover operating costs.

6. The failure to disclose adequately and accurately that neither of issuer's oil well operations has demonstrated that it can be reasonably expected to produce any oil at a profit which would preclude either well being assigned any proven commercially recoverable oil reserves.

7. The failure to disclose adequately and accurately that issuer's oil wells cannot reasonably be expected to produce enough oil to return issuer's investment therein over and above operating costs.

8. The failure to disclose adequately and accurately in connection with the geological report, contained in the offering circular, relating to the Noble County Oil Lease that the new well recommended by the geologist to be drilled thereon is no more favorably located geologically than the first well drilled on said lease and that there is no basis to anticipate that it would be more productive than the first well drilled by the issuer on said lease.

9. The failure to disclose accurately and adequately that the geological conclusions concerning the Hallett project as contained in the offering circular are questionable in view of the relatively important number of dry holes drilled in the immediate vicinity of the proposed location; the omission of the results obtained in some five other holes drilled on the lease; the failure to indicate whether the 309.56 barrels of oil produced during the 26-day test were produced at a relatively even rate or at greatly varying rates; the very high percentage of water in the fluid produced; the selection of a 25-foot contour interval for the Inola formation; and, the failure to include an isopach map of the Bartlesville formation as well as structural contours on the top of the Bartlesville.

10. The failure to disclose that a substantial amount of water has been produced from the White Oil Lease.

C. The offering has been and will continue to be made in violation of section 17 of the Securities Act of 1933, as amended.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be temporarily suspended,

It is ordered, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption of the issuer under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within 30 days after the entry of this order; that within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission. If no hearing is requested and none is ordered by the Commission, the order shall become permanent on the 30th day after its entry and shall remain in effect unless it is modified or vacated by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-5184; Filed, May 9, 1967; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 5, 1967.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41014—*Coal cinders from Erwinville, La.* Filed by Southwestern Freight Bureau, agent (No. B–8983), for interested rail carriers. Rates on cinders, viz: coal, shale, or slate, in carloads, from Erwinville, La., to points in southern territory, also Evansville, New Albany, Vaughn, Ind., and Cincinnati, Ohio.

Grounds for relief—Market competition.

Tariff—Supplement 142 to Southwestern Freight Bureau, agent, tariff ICC 4565.

FSA No. 41015—*Brick and related articles to Gardner, La.* Filed by Southwestern Freight Bureau, agent (No. B–8975), for interested rail carriers. Rates on brick and related articles, in carloads, as described in the application, from points in Texas, to Gardner, La.

Grounds for relief—Short-line distance formula and grouping.

Tariff—Supplement 10 to Southwestern Freight Bureau, agent, tariff ICC 4698.

FSA No. 41016—*Brick and related articles from Goose Lake and Joliet, Ill.* Filed by Southwestern Freight Bureau, agent (No. B–8976), for interested rail carriers. Rates on brick and related articles, in carloads, as described in the application, from Goose Lake and Joliet, Ill., to points in Arkansas, Louisiana, Missouri, Oklahoma, and Texas.

Grounds for relief—Market competition.

Tariff—Supplement 10 to Southwestern Freight Bureau, agent, tariff ICC 4698.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-5223; Filed, May 9, 1967; 8:48 a.m.]

ORGANIZATION

Operations Boards

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 4th day of May 1967.

Section 17 of the Interstate Commerce Act, as amended (49 U.S.C. 17), and other provisions of law being under consideration, with a view to (1) reflecting the transfer of the Commission's safety functions to the Department of Transportation, and (2) reassigning the remaining functions of the Railroad Safety and Service Board to a new Railroad Service Board under the recently reconstituted Bureau of Operations and Compliance, renamed the Bureau of Operations:

It is ordered, That the Organization Minutes of the Interstate Commerce Commission relating to the Organization of Division and Boards and Assignment of work, issue of July 27, 1965, as amended (30 F.R. 11189, 12559, and 13302; 31 F.R. 242, 4762, 9529, 12693, 13099, and 14025; and 32 F.R. 431), be further amended as follows:

1. Item 7.7, entitled Railroad Safety and Service Board, is redesignated as Item 7.8(c) and is amended as provided below. Item 7.7 is vacated and reserved.

2. Item 7.8 is amended as follows: The title is changed to "Operations Boards"; Item 7.8(b) is deleted; Item 7.8(c) is redesignated as Item 7.8(b); Item 7.8 (d) is deleted; a new Item 7.8(c) is added: Items 7.8 (e) and (f) are amended and redesignated as Items 7.8 (d) and (e) respectively. As amended Item 7.8 reads as follows:

7.8 *Operations Boards.*

(a) Insurance Board:

* * * * *

(b) Motor Carrier Leasing Board:

Section 204 (e) and (f) and section 204(a)(6) so far as they relate to the lease and interchange of vehicles by motor carriers, and the lease and interchange regulations (49 CFR Part 307), except, in each case, matters which involved the taking of testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits.

(c) Railroad Service Board:

Proceedings relating to car-service and emergency directions with respect thereto, including suspension of any or all rules, regulations, or practices, promulgation of just and reasonable directions without regard to ownership to best promote the service in the interest of the public and the commerce of the people, require joint and common use of terminals, including main line track or tracks for reasonable distances outside such terminals, and promulgate directions for preference or priority in transportation, embargoes, or movement of traffic under permits, except controversies between carriers as to compensation, under provisions of section 1 (15) and (16) which have not involved the taking of testimony at a public hearing or the submission of evidence by opposing parties in the form of affidavits.

(d) Any matter referred to an Operations Board which is assigned for the taking of testimony at a public hearing shall be carried to a conclusion in accordance with the established practices and assignment of work of the Commission.

(e) Any Operations Board may certify to an appropriate division any matter which in the Board's judgment should be passed on by that division, or the Commission, and the appropriate division may recall any matter from an Operations Board.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-5224; Filed, May 9, 1967; 8:48 a.m.]

[Notice 445]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

MAY 5, 1967.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1 (c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 989 (Deviation No. 1), IDEAL TRUCK LINES, INC., 912 North State Street, Norton, Kans. 67654, filed April 24, 1967. Carrier's representative: Clyde N. Christey, 641 Harrison Street, Topeka, Kans. 66603. Carrier proposes to operate as a *common carrier,* by motor vehicle, of *general commodities,* with certain exceptions, over a deviation route as follows: From the Kansas City, Kansas-Missouri commercial zone, over Interstate Highway 70 to junction Kansas Highway 18, west over Kansas Highway 18 to junction Kansas Highway 15, thence north over Kansas Highway 15 to Clay Center, Kans., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From St. Francis, Kans., over U.S. Highway 36 to Smith Center, Kans., thence over U.S. Highway 281 to junction U.S. Highway 24, thence over U.S. Highway 24 to Kansas City, Mo., (2) from Norton, Kans., over U.S. Highway 383 to junction U.S. Highway 24, thence over U.S. Highway 24 to Goodland, Kans., (3) from Wheeler, Kans., over Kansas Highway 27 to Goodland, Kans., (4) from Concordia, Kans., over unnumbered highways to junction U.S. Highway 24, thence over U.S. Highway 24 to Kansas City, Kans., (5) from Kansas City, Mo., over the above specified routes to Smith Center, Kans., (6) from Clay Center, Kans., over U.S. Highway 24 to Kansas City, Mo., (7) from Clay Center, Kans., over Kansas Highway 15 to junction Kansas Highway 15W thence over Kansas Highway 15W to Washington, Kans., thence over U.S. Highway 36 to Norton, Kans., and (8) from Clay Center, Kans., over Kansas Highway 15 to junction Kansas Highway 9, thence over Kansas Highway 9 to Concordia, Kans., thence over Kansas Highway 28 to Jewell, Kans., and return over the same routes.

No. MC 989 (Deviation No. 2), IDEAL TRUCK LINES, INC., 912 North State Street, Norton, Kans. 67654, filed April 24, 1967. Carrier's representative: N. Christey, 641 Harrison Street, Topeka, Kans. 66603. Clyde Carrier proposes to operate as a *common carrier,* by motor vehicle, of *general commodities,* with certain exceptions, over a deviation route as follows: From Omaha, Nebr., over Interstate Highway 80 to Lexington, Nebr., thence south over U.S. Highway 283 to Norton, Kans., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Omaha, Nebr., over U.S. Highway 6 to junction unnumbered highway, thence over unnumbered highway via Mascot, Nebr., to Oxford, Nebr., thence over Nebraska Highway 46 to junction Nebraska Highway 89, thence over Nebraska Highway 89 via Beaver City, Nebr., to junction U.S. Highway 83, thence over U.S. Highway 83 to Oberlin, Kans. (also from Beaver City over U.S. Highway 283 to Norton, Kans., thence over U.S. Highway 36 to Oberlin, Kans.) and thence over U.S. Highway 36 to St. Francis, Kans., and return over the same route.

No. MC 989 (Deviation No. 3), IDEAL TRUCK LINES, INC., 912 North State Street, Norton, Kans. 67654, filed April 24, 1967. Carrier's representative: Clyde N. Christey, 641 Harrison Street, Topeka, Kans. 66603. Carrier proposes to operate as a *common carrier,* by motor vehicle, of *general commodities,* with certain exceptions, over deviation routes as follows: (1) From the Kansas City,

Kansas-Missouri commercial zone over Interstate Highway 70 to junction Kansas Highway 25, thence over Kansas Highway 25 to Colby, Kans., and (2) from the Kansas City, Kansas-Missouri commercial zone, over Interstate Highway 70 to Goodland, Kans., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From St. Francis, Kans., over U.S. Highway 36 to Smith Center, Kans., thence over U.S. Highway 281 to junction U.S. Highway 24, thence over U.S. Highway 24 to Kansas City, Mo., (2) from Norton, Kans., over U.S. Highway 383 to junction U.S. Highway 24, thence over U.S. Highway 24 to Goodland, Kans., (3) from Wheeler, Kans., over Kansas Highway 27 to Goodland, Kans., (4) from Concordia, Kans., over unnumbered highways to junction U.S. Highway 24, thence over U.S. Highway 24 to Kansas City, Kans., thence over city streets to Kansas City, Mo., (5) from Kansas City, Mo., over the above-specified routes to Smith Center, Kans., (6) from Clay Center, Kans., over Kansas Highway 15 to junction Kansas Highway 15W, thence over Kansas Highway 15W to Washington, Kans., thence over U.S. Highway 36 to Norton, Kans., (7) from Clay Center, Kans., over U.S. Highway 24 to Kansas City, Mo., and (8) from Clay Center, Kans., over Kansas Highway 15 to junction Kansas Highway 9, thence over Kansas Highway 9 to Concordia, Kans., thence over Kansas Highway 28 to Jewell, Kans., and return over the same routes.

No. MC 989 (Deviation No. 4), IDEAL TRUCK LINES, INC., 912 North State Street, Norton, Kans. 67654, filed April 24, 1967. Carrier's representative: Clyde N. Christey, 641 Harrison Street, Topeka, Kans. 66603. Carrier proposes to operate as a common carrier, by motor vehicle, of *general commodities,* with certain exceptions, over a deviation route as follows: From the Kansas City, Kans.-Mo. commercial zone over Interstate Highway 70 to junction U.S. Highway 81, thence north over U.S. Highway 81 to junction U.S. Highway 24, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: From St. Francis, Kans., over U.S. Highway 36 to Smith Center, Kans., thence over U.S. Highway 281 to junction U.S. Highway 24, thence over U.S. Highway 24 to Kansas City, Mo., (2) from Norton, Kans., over U.S. Highway 383 to junction U.S. Highway 24, thence over U.S. Highway 24 to Goodland, Kans., (3) from Wheeler, Kans., over Kansas Highway 27 to Goodland, Kans., (4) from Concordia, Kans., over unnumbered highways to junction U.S. Highway 24, thence over U.S. Highway 24 to Kansas City, Mo., (5) from Kansas City, Mo., over the above-specified routes to Smith Center, Kans., (6) from Clay Center, Kans., over Kansas Highway 15 to junction Kansas Highway 15W, thence over Kansas Highway 15W to Washington, Kans., thence over U.S. Highway 36 to Norton, Kans., (7) from Clay Center, Kans., over Kansas Highway 15 to junction Kansas Highway 9, thence over Kansas Highway 9 to Concordia, Kans., thence over Kansas Highway 28 to Jewell, Kans., and (8) from Clay Center, Kans., over U.S. Highway 24 to Kansas City, Mo., and return over the same routes.

No. MC 38170 (Deviation No. 2), WHITE STAR TRUCKING, INC., 1750 Southfield, Lincoln Park, Mich. 48146, filed April 24, 1967. Carrier's representative: Whilhelmina Boersma, same address as above. Carrier proposes to operate as a *common carrier,* by motor vehicle, of *general commodities,* with certain exceptions, over a deviation route as follows: From Toledo, Ohio, over Interstate Highway 75 to junction Michigan Highway 151, thence over Michigan Highway 151 to junction U.S. Highway 23, thence over U.S. Highway 23 to Flint, Mich., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) Toledo, Ohio, over U.S. Highway 25 to Detroit, Mich., thence over U.S. Highway 10 to Flint, Mich., (2) from Toledo, Ohio, over U.S. Highway 24 to junction U.S. Highway 25, thence over U.S. Highway 25 to Detroit, Mich., thence over U.S. Highway 10 to Flint, Mich., and (3) from Toledo, Ohio, over Alternate U.S. Highway 24 to Detroit, Mich., thence over U.S. Highway 10, to Flint, Mich., and return over the same routes.

No. MC 68572 (Deviation No. 1), WAHOO TRANSFER, INC., 108 East Fourth, Post Office Box 26, Wahoo, Nebr. 68066, filed April 24, 1967. Carrier's representatives Charles J. Kimball, 301 NSEA Building, 14th and J Streets, Post Office Box 2028, Lincoln, Nebr. 68501. Carrier proposes to operate as a *common carrier,* by motor vehicle, of *general commodities,* with certain exceptions, over deviation routes as follows: (1) From Omaha, Nebr., over Interstate Highway 80 to Lincoln, Nebr., and (2) from Omaha, Nebr., over U.S. Highway 275 to Fremont, Nebr., and return over the same routes, for operating convenience only. The notice indicates the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Lincoln, Nebr., over U.S. Highway 77 to Fremont, Nebr. (also from Lincoln over unnumbered highway via Davey, Nebr., to junction U.S. Highway 77, thence over U.S. Highway 77 to Fremont), and (2) from Wahoo, Nebr., over Alternate U.S. Highway 30 to Omaha, Nebr. (also from Wahoo over Alternate U.S. Highway 30 to junction Nebraska Highway 38, thence over Nebraska Highway 38 to Omaha), and return over the same routes.

No. MC 73262 (Deviation No. 3), MERCHANTS FREIGHT SYSTEM, INC., 1401 North 13th Street, Terre Haute, Ind. 47808, filed April 24, 1967. Carrier proposes to operate as a *common carrier,* by motor vehicle, of *general commodities,* with certain exceptions, over a deviation route as follows: Between Chicago, Ill., and St. Louis, Mo., over Interstate Highway 55, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Chicago, Ill., over U.S. Highway 66 to junction Alternate U.S. Highway 67, thence over Alternate U.S. Highway 67 to East St. Louis, Ill., thence across the Mississippi River to St. Louis, Mo., and return over the same route.

No. MC 109265 (Deviation No. 7), W. L. Mead, Inc., Post Office Box 31, Norwalk, Ohio 44857, filed April 25, 1967. Carrier proposes to operate as a *common carrier,* by motor vehicle, of *general commodities,* with certain exceptions, over a deviation route as follows: From junction Ohio Highway 440 and Interstate Highway 70 approximately 2 miles east of Brownsville, Ohio, over Interstate Highway 70 (U.S. Highway 40) to junction Ohio Highway 440 approximately 1 mile west of Kirkersville, Ohio, and return over the same route, for operating convenience only. The notice indicated that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) from Zanesville, Ohio, over U.S. Highway 40 to junction Ohio Highway 440 (formerly U.S. Highway 40), thence over Ohio Highway 440 to Jacksontown, Ohio, thence over Ohio Highway 13 to Newark, Ohio, thence over Ohio Highway 16 to Columbus, Ohio, and (2) from Jacksontown, Ohio, over Ohio Highway 440 to junction U.S. Highway 40 at or near Kirkersville, Ohio, thence over U.S. Highway 40 to junction U.S. Highway 33 in Columbus, Ohio, and return over the same routes.

No. MC 109265 (Deviation No. 8), W. L. MEAD, INC., Post Office Box 31, Norwalk, Ohio 44857, filed April 25, 1967. Carrier proposes to operate as a *common carrier,* by motor vehicle, of *general commodities,* with certain exceptions, over a deviation route as follows: Between Springfield, Ohio, and Dayton, Ohio, over Ohio Highway 4, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Zanesville, Ohio, over U.S. Highway 40 to junction Ohio Highway 440, thence over Ohio Highway 440 to Jacksontown, Ohio, thence over Ohio Highway 13 to Newark, Ohio, thence over Ohio Highway 16 to Columbus, Ohio, thence over U.S. Highway 40 via West Jefferson to Springfield, Ohio, thence over unnumbered highway (formerly Ohio Highway 4), via Enon, Ohio, to junction Ohio Highway 444 (formerly Ohio Highway 4), near Fairborn, Ohio, thence over Ohio Highway 444 to junction unnumbered highway (formerly Ohio Highway 4), thence over unnumbered highway via Riverside, to Dayton, Ohio, and return over the same route.

No. MC 1515 (Deviation No. 377) (Cancels Deviation No. 310), GREYHOUND LINES, INC. (Western Division), Greyhound Building, Market and Fremont Streets, San Francisco, Calif.

94106, filed April 25, 1967. Carrier's representative: W. T. Meinhold, 371 Market Street, San Francisco, Calif. 94105. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) From junction Business Route U.S. Highway 97 and Interstate Highway 82 (North Yakima Junction), over Interstate Highway 82 to Yakima, Wash., (2) from Yakima, Wash., over Interstate Highway 82 to junction unnumbered highway (South Union Gap Junction), thence over unnumbered highway to junction U.S. Highway 410 (Parker Junction), (3) from Yakima, Wash., over Interstate Highway 82 to Union Gap, Wash., (4) from junction Business Route U.S. Highway 97 and Interstate Highway 82 (North Yakima Junction), over Interstate Highway 82 to junction unnumbered highway (South Union Gap Junction), thence over unnumbered highway to junction U.S. Highway 410 (Parker Junction), and (5) from junction Business Route U.S. Highway 97, U.S. Highway 410, and Interstate Highway 82 (Union Gap Junction), over Interstate Highway 82 to junction unnumbered highway (South Union Gap Junction), thence over unnumbered highway to junction U.S. Highway 410 (Parker Junction), and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) from Ellensburg, Wash., over U.S. Highway 97 to junction Interstate Highway 82 (North Selah Road Junction), thence over Interstate Highway 82 to junction Business Route U.S. Highway 97 (North Yakima Junction), thence over Business Route U.S. Highway 97 to Yakima, Wash., and (2) from Yakima, Wash., over Business Route U.S. Highway 97 to junction U.S. Highway 410 (Union Gap Junction), thence over U.S. Highway 410 to junction unnumbered highway (West Pasco Junction), thence over unnumbered highway to Pasco, Wash., and return over the same routes.

No. MC 1515 (Deviation No. 378), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, Ohio, 44113, filed April 26, 1967. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over a deviation route as follows: From Interchange No. 50 of the New York State Thruway (east of Buffalo, N.Y.), over Interstate Highway 290 to junction Interstate Highway 190, thence over Interstate Highway 190 (Buffalo-Niagara section of the New York State Thruway), to Niagara Falls, N.Y., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) From Batavia, N.Y., over New York Highway 5 via Buffalo, N.Y., to Athol Springs, N.Y., (2) from Suffern, N.Y. (Interchange No. 15) over the New York State Thruway to Buffalo, N.Y. (Interchange No. 50), (3) from Buffalo, N.Y., over access streets to Interchange No. 50, and (4) from Buffalo, N.Y., over New York Highway 384 to junction New York Highway 324 near Kenmore, N.Y., thence over New York Highway 324 to junction New York Highway 384 near Niagara Falls, N.Y., thence over New York Highway 384 to Niagara Falls, N.Y., and return over the same routes.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-5225; Filed, May 9, 1967; 8:49 a.m.]

[Notice 1059]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MAY 5, 1967.

The following publications are governed by Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER issue of April 20, 1966, which became effective May 20, 1966.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 64932 (Sub-No. 436) filed April 21, 1967. Applicant: ROGERS CARTAGE CO., a corporation, 1439 West 103d Street, Chicago, Ill. 60643. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in hopper type vehicles, from Clinton, Iowa, to points in Arkansas, Illinois, Indiana, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin.

HEARING: May 18, 1967, at Room 401, Federal Office Building, Fifth and Court Avenue, Des Moines, Iowa, before Examiner Charles J. Murphy.

No. MC 103880 (Sub-No. 385), filed April 28, 1967. Applicant: PRODUCERS TRANSPORT, INC., 215 East Waterloo Road, Akron, Ohio 44306. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank or hopper type vehicles, from Clinton, Iowa, to points in Arkansas, Illinois, Indiana, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin.

HEARING: May 18, 1967, at Room 401, Federal Office Building, Fifth and Court Avenue, Des Moines, Iowa, before Examiner Charles J. Murphy.

No. MC 110988 (Sub-No. 236), filed April 28, 1967. Applicant: KAMPO TRANSIT, INC., 200 West Cecil Street, Neenah, Wis. Applicant's representative: E. Stephen Heisley, 529 Transportation Building, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Clinton, Iowa, to points in Arkansas, Illinois, Indiana, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin.

HEARING: May 18, 1967, at Room 401, Federal Office Building, Fifth and Court Avenue, Des Moines, Iowa, before Examiner Charles J. Murphy.

No. MC 115651 (Sub-No. 16), filed April 20, 1967. Applicant: KANEY TRANSPORTATION, INC., Rural Route No. 4, Post Office Box 12, Freeport, Ill. 61032. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Clinton, Iowa, to points in Arkansas, Illinois, Indiana, Kansas, Kentucky, Michigan, Minnesota, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin. NOTE: Common control may be involved.

HEARING: May 18, 1967, at Room 401, Federal Office Building, Fifth and Court Avenue, Des Moines, Iowa, before Examiner Charles J. Murphy.

No. MC 107107 (Sub-No. 313) (Republication), filed July 13, 1964 published FEDERAL REGISTER issue of July 29, 1964, and republished this issue. Applicant: ALTERMAN TRANSPORT LINES, INC., Post Office Box 65, Miami, Fla. Applicant's representative: Donald L. Stern, 630 City National Bank Building, Omaha, Nebr. By application filed July 13, 1964, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of foods, food ingredients, food materials, and related advertising and promotional material, between points in Georgia, on the one hand, and on the other, points in Alabama, Mississippi, and Louisiana, except bananas from New Orleans, La., and Mobile, Ala. A report of the Commission, Operating Rights Review Board Number 1, decided April 20, 1967, and served April 26, 1967, as amended, finds that present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier, by motor vehicle, over irregular routes, in vehicles equipped with mechanical refrigeration, of (1) *candy, confectionery, and related advertising and promotional materials*, from New Orleans, La., to points in Florida and Georgia; (2) (a) *prepared food*

spreads, nuts, and related advertising and promotional materials, from Davie, Fla., to points in Georgia and Alabama, and (b) *foods, food ingredients, and food materials* (except frozen foods, fresh and cured meats, dairy products, and citrus products not canned), and *related advertising and promotional material,* from Zephyrhills, Fla., to points in Georgia and Alabama; (3) *canned citrus products,* from Orlando, Fla., to points in Georgia; (4) *foods, food ingredients, food materials, and related advertising and promotional material,* from Doraville, Ga., to points in Florida, Alabama, Mississippi, and Louisiana.

(5) *Candy, confectionery, and related advertising and promotional material,* from Tucker and Augusta, Ga., to points in Florida, Alabama, Mississippi, and Louisiana: *Provided,* That the authority herein granted and that now held by applicant to the extent that may duplicate, shall not be construed as conferring more than one operating right and shall not be severable by sale or otherwise from applicant's present authority; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 107107 (Sub-No. 314) (Republication), filed July 13, 1964, published FEDERAL REGISTER issue of July 29, 1964, and republished this issue. Applicant: ALTERMAN TRANSPORT LINES, INC., Post Office Box 65, Miami, Fla. Applicant's representative: Donald D. Stern, 630 City National Bank Building, Omaha, Nebr. By application filed July 13, 1964, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of foods, food ingredients, food materials, and related advertising and promotional materials, (1) between points in Florida, and (2) between points in Florida, on the one hand, and, on the other, points in Georgia, except (a) candy and confectionery from Atlanta, Ga., and points in its commercial zone to points in Florida, (b) meats, meat products and meat byproducts and dairy products from Jacksonville, Miami, Orlando, Tampa, and West Palm Beach, Fla., to points in Florida, and (c) candy and confectionery between points in Florida. A report of the Commission, Operating Rights Review Board Number 1, decided April 20, 1967, and served April 26, 1967, as amended, finds that present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, in vehicles equipped with mechanical refrigeration, of (1) *candy, confectionery, and related advertising and promotional materials,* from New Orleans, La., to points in Florida and Georgia; (2) (a) *prepared food spreads, nuts, and related advertising and promotional materials,* from Davie, Fla., to points in Georgia and Alabama, and

(b) *Foods, food ingredients, and food materials* (except frozen foods, fresh and cured meats, dairy products, and citrus products not canned), and *related advertising and promotional material,* from Zephyrhills, Fla., to points in Georgia and Alabama; (3) *canned citrus products,* from Orlando, Fla., to points in Georgia; (4) *foods, food ingredients, food materials, and related advertising and promotional material,* from Doraville, Ga., to points in Florida, Alabama, Mississippi, and Louisiana; and (5) *candy, confectionery, and related advertising and promotional material,* from Tucker and Augusta, Ga., to points in Florida, Alabama, Mississippi, and Louisiana: *Provided,* That the authority herein granted and that now held by applicant to the extent that may duplicate, shall not be construed as conferring more than one operating right and shall not be severable by sale or otherwise from applicant's present authority; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 119531 (Sub-No. 53) (Republication), filed February 4, 1966, published FEDERAL REGISTER, issue of March 3, 1966, and republished this issue. Applicant: DIECKBRADER EXPRESS, INC., 5391 Wooster Road, Cincinnati, Ohio 45226. Applicant's representative: Charles W. Singer, Suite 3600, 33 North La Salle Street, Chicago, Ill. 60602. In the above-specified proceeding the examiner recommended the issuance to applicant a certificate of public convenience and necessity authorizing the operations described below, but employed the origin description "from the plantsite and warehouse site of Hunt Foods and Industries, Inc., and its subsidiaries located at Toledo, Ohio, and its commercial zone." A decisions and order of the Commission, Operating Rights Review Board Number 1, dated April 26, 1967, and served May 3, 1967, as amended, finds operations by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of *canned or preserved foodstuffs, cooking oil, shortening, and matches* (except commodities in bulk, in tank vehicles), from Toledo, Ohio, to Altoona, Pa., and points in Indiana, Ohio, Kentucky (except points east of Kentucky Highway 7), and points in Pennsylvania on and west of U.S. Highway 219, restricted to the transportation of shipments originating at the plantsite and warehouse facilities of Hunt Foods & Industries, Inc., and further restricted against tacking with any other presently held authority; that applicant is fit, willing and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 126320 (Sub-No. 2) (Republication), filed December 19, 1966, published FEDERAL REGISTER issue of January 12, 1967, and republished this issue. Applicant: HAROLD V. DETTINBURN, doing business as DETTINBURN TRUCKING, Petersburg, W. Va. 26747. Applicant's representative: D. L. Bennett, 213 First National Bank Building, Wheeling, W. Va. 26003. By application filed December 19, 1966, applicant seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of coal, in truckloads, from a coal mine at or near Cheat Bridge, W. Va., to Clearbrook, Va. An order of the Commission, Operating Rights Board No. 1, dated April 24, 1967, and served May 3, 1967, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of *coal,* from Cheat Bridge, W. Va., to Clearbrook, Va.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice

of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in this proceeding, setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 128611 (Republication), filed September 26, 1966, published FEDERAL REGISTER issue of October 13, 1966, and republished this issue. Applicant: ROBERT K. JAIN, doing business as JAIN TRUCKING SERVICE, La Salle Street, Eau Claire, Wis. 54701. Applicant's representative: Robert G. Evans, 204 East Grand Avenue, Eau Claire, Wis. 54701. By application filed September 26, 1966, applicant seeks a permit authorizing operation, in interstate or foreign commerce, as a contract carrier, by motor vehicle, over irregular routes, of general commodities, except commodities in bulk, having a prior or subsequent rail movement by the Soo Line Railroad Co., between Eau Claire and points within 2 miles thereof, on the one hand, and, on the other, Chippewa Falls, Wis., and points within 2 miles thereof, under a continuing contract with the Soo Line Railroad Co. A report of the Commission, Operating Rights Review Board Number 2, decided April 26, 1967, and served May 2, 1967, as amended, finds the proposed service to be that of a *common carrier* by motor vehicle and that public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over regular routes, of *general commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Eau Claire and Chippewa Falls, Wis., over U.S. Highway 53, serving no intermediate points, subject to the following conditions:

(1) The service to be performed by applicant shall be limited to service which is auxiliary to, or supplemental of, rail service of the Soo Line Railroad Co., hereinafter called the railroad, (2) applicant shall not serve, or interchange traffic with the railroad at any point not a station on the rail line of the railroad, (3) shipments transported by applicant shall be limited to those which he receives from or delivers to the railroad under a through bill of lading covering, in addition to movement by applicant, a prior or subsequent movement by rail, (4) all contractual arrangements between applicant and the railroad shall be reported to the Commission and shall be subject to revision, if and as the Commission finds it to be necessary in order that such arrangements shall be fair and equitable to the parties, and (5) such further specific conditions as the Commission, in the future, may find it necessary to impose in order to restrict applicant's operation to service which is auxiliary to, or supplemental of, rail service; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 128660 (Republication), filed October 18, 1966, published FEDERAL REGISTER issue of November 3, 1966, and republished this issue. Applicant: G. C. HAUSSER, doing business as HAUSSER CARTING COMPANY, R.F.D., Gowanda, N.Y. 14070. Applicant's representative: Russell R. Sage, 2001 Massachusetts Avenue NW., Washington, D.C. 20036. By application filed October 18, 1966, applicant seeks a permit authorizing operations, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of paper and paper products; wood and wood products, faced with metal or otherwise; cabinets; doors; cement asbestos products, faced with wood, metal, or otherwise; plastic products, faced with metal or otherwise; aluminum and aluminum products, faced with metals or otherwise; and materials, supplies, machinery, and equipment used in the manufacture of paper, wood, plastic, aluminum, and cement asbestos products, faced with metal or otherwise (except commodities in bulk and those which, by reason of size or weight, require the use of special equipment, between the points indicated below. A corrected order of the Commission, Operating Rights Board No. 1, dated March 30, 1967, and served May 1, 1967, as amended, finds that operation by applicant, in interstate or foreign commerce, as a contract carrier by motor vehicle, over irregular routes, of (1) *paper and paper products,* (2) *wood and wood products,* (3) *cabinets,* (4) *doors,* (5) *cement asbestos products,* (6) *plastic products,* (7) *aluminum and aluminum products,* (8) *products of* (a) *wood and metal combined,* (b) *wood and cement asbestos combined,* (c) *plastic and metal combined,* (d) *cement asbestos and metal combined,* (e) *aluminum and other metals combined,* and (f) *plastic and wood combined,* and

(9) *Materials, supplies, machinery, and equipment* used in the manufacture of the commodities set forth in (1) through (8) above (except, in 1 through (9) above, such commodities in bulk and those which by reason of size or weight, require the use of special equipment), between the plantsite of the United States Plywood Corp., at Cattaraugus, N.Y., on the one hand, and, on the other, points in Alabama, California, Connecticut, Delaware, Florida, Georgia, Iowa, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin; under a continuing contract with the United States Plywood Corp., of Cattaraugus, N.Y., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this order, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

NOTICE OF FILING OF PETITION

No. MC 40557 (Notice of Filing of Petition for Waiver of Rule 1.101(e) of the General Rules of Practice and for Reopening, Reconsideration, and Modification of Certification), filed April 13, 1967. Petitioner: HAUFF BROS., INC., New York, N.Y. Petitioner's representative: Edward M. Alfano, 2 West 45th Street, New York, N.Y. 10036. Petitioner states that it hold certificate No. 40557 to transport: *Forest products,* over irregular routes, between New York, N.Y., on the one hand, and, on the other, points in Connecticut, New Jersey, and New York, within 60 miles of New York, N.Y. Petitioner states that it has been transporting timber, lumber, and lumber products including woodgutters, doors, trim, mouldings, wallboard, plywood, shingles, sash, lath, and shelving since prior to June 1, 1935, and continuous to date. By the instant petition, petitioner requests the Commission reopen this "grandfather" application and modify its certificate to include lumber and lumber products, or in the alternative, to set this petition for a hearing at a date and place to be fixed by the Commission, and to grant it such other and further relief as may be just and equitable. Any person desiring to participate, may file an original and six copies of his written representations, views, or argument in support of, or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATION FOR CERTIFICATE OR PERMIT WHICH IS TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 53152 (Sub-No. 17), filed April 24, 1967. Applicant: OGDEN & MOFFETT COMPANY, a corporation, 3565 24th Street, Port Huron, Mich. 48060. Applicant's representative: Robert A. Sullivan, 1800 Buhl Building, Detroit, Mich. 48226. Authority sought to convert the following Certificate of Registration issued pursuant to common carrier certificate No. C-48, by the Michigan Public Service Commission to the Hub Cartage Co., to a certificate of public convenience and necessity, transporting: Commodities generally, (1) between Pontiac and Detroit, Mich., over U.S. Highway 10, (2) between Chrysler Tank Arsenal and Detroit, Mich., over Michigan Highway 53, (3) between Chrysler Tank Arsenal and junction U.S. Highway 10 and 12 Mile Road, from Chrysler Tank Arsenal over Van Dyke to junction 12 Mile Road, thence over 12 Mile Road to junction U.S. Highway 10, (4) between the Hudson Navy Yard Arsenal and Detroit, Mich., over Mound Road, (5) between the junction of Mound Road and 12 Mile Road and the junction of Mound Road and 8 Mile Road, over Mound Road.

(6) Between the Hudson Navy Yard Arsenal and junction U.S. Highway 10 and 8 Mile Road, from Hudson Navy Yard Arsenal over Mound Road to junction 8 Mile Road, thence over 8 Mile Road to junction U.S. Highway 10, (7) between the junction of 9 Mile Road and Van Dyke and the junction of 9 Mile Road and Mound Road over 9 Mile Road, (8) between the junction of 8 Mile Road and Mound Road and the junction of 8 Mile Road and Van Dyke over 8 Mile Road, (9) between River Rouge, Ecorse, Wyandotte, Trenton, Sibley, and Detroit over Wayne County Road 379, (10) between Zug Island and Detroit, from Zug Island over unnumbered Wayne County Road to junction Wayne County Road 379, thence over Wayne County Road 379 to Detroit, (11) between Grosse Pointe and Detroit, over Wayne County Road 347, (12) between Dearborn and Detroit, over U.S. Highway 112, (13) between Melvindale and Detroit, over Michigan Highway 17, (14) between Lincoln Park and Detroit, over Wayne County Road 381, (15) between East Detroit and Detroit, Mich., over U.S. Highway 25, (16) serving the plantsite of the Chrysler Corp. located on Michigan Highway 53 between 16 and 17 Mile Roads as an off-route point in connection with presently authorized regular route operations, (17) serving the plant of the Ford Motor Co. located on Michigan Highway 53 between 22 and 23 Mile Roads as an off-route point in connection with presently authorized regular route operations, (18) serving the site of the McLouth Steel Co. plant at Gibralter and the plant of the McLouth Steel Co. located at or near Trenton in connection with presently authorized regular route operations.

(19) Service to and from all points in Warren Township, Sterling Township, Macomb County, and Troy Township, Oakland County, as off-route points in connection with presently authorized regular route operations, (20) serving the site of the Lincoln Division, Ford Motor Co. plant located at or near Novi and to the site of the Ford Motor Co. (Parts and Equipment Division) plant located at or near Rawsonville as off-route points in connection with regular routes, (21) commercial zone authority at regular route points as described in D-4317, and (22) serving the site of the Kelsey-Hayes Co. plant, Romulus Township, as an off-route point in connection with authorized regular route operations. NOTE: This application is a matter directly related to Docket MC-F-9736, published in the FEDERAL REGISTER issue May 3, 1967. The present application seeks conversion of the Hub Cartage Co., rights under Docket No. MC-109450 Sub-5, as set forth in the above Nos. (1) through (22). If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-9740. Authority sought for purchase by GARDNER CARTAGE COMPANY, 2662 East 69th Street, Cleveland, Ohio 44104, of the operating rights and property of BAYNES EQUIPMENT, INC., 136 Logan Street, Bedford, Ohio, and for acquisition by JOSEPH C. GARDNER, JOSEPH E. GARDNER, FRED G. GARDNER, and JOSEPH F. KELLY, all also of Cleveland, Ohio, of control of such rights and property through the purchase. Applicants' attorney: Bernard S. Goldfarb, 1625 The Illuminating Building, Cleveland, Ohio 44113. Operating rights sought to be transferred: *Precast concrete panels, slabs, beams, girders, columns,* and *materials and accessories* incidental to the installation thereof, as a *contract carrier,* over irregular routes, from the plantsite of George Rackle & Sons Co., located at Garfield Heights, Ohio, to points in Illinois, Indiana, Kentucky, Michigan, New York, Pennsylvania, Virginia, and West Virginia, Restriction: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts, with the George Rackle & Sons Co., of Garfield Heights, Ohio. Vendee is authorized to temporarily operate under section 210a (a) in Ohio, Michigan, Indiana, Kentucky, New York, Pennsylvania, and West Virginia; and permanent authority was granted in part, pursuant to order of Operating Board No. 1, dated March 9, 1967, effective March 9, 1967, in MC-126727 Sub-No. 2. No permit yet has been issued. Application has been filed for temporary authority under section 210a(b).

No. MC-F-9741. Authority sought for purchase by HOUFF TRANSFER, INCORPORATED, Post Office Box 91, Weyers Cave, Va., of a portion of the operating rights of ELLIOTT BROTHERS TRUCKING COMPANY, INC., Post Office Box 719, Easton, Md., and for acquisition by CLETUS E. HOUFF, also of Weyers Cave, Va., of control of such rights through the purchase. Applicants' attorney: Harold G. Hernly, 711 14th Street NW., Washington, D.C. 20005. Operating rights sought to be transferred: *General commodities,* except class A and B explosives, other than small arms ammunition, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, as a *common carrier,* over irregular routes, between Philadelphia, Pa., on the one hand, and, on the other, points in New Jersey on and south of New Jersey Highway 40 extending from Camden, N.J., through Marlton, Red Lion, and Four Mile, N.J., thence east along New Jersey Highway S40 to Manahawkin, N.J., but not including Camden. Vendee is authorized to operate as a *common carrier* in Pennsylvania, Maryland, Virginia, West Virginia, New York, Delaware, Alabama, Georgia, Florida, Kentucky, Louisiana, Illinois, Indiana, New Jersey, North Carolina, Ohio, South Carolina, Tennessee, Massachusetts, Mississippi, Rhode Island, Connecticut, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9742. Authority sought for control and merger by CARTWRIGHT, INC., 4250 24th Avenue West, Seattle, Wash. 98199, of the operating rights and property of CARTWRIGHT VAN LINES, INC., 4411 East 119th Street, Grandview, Mo., and for acquisition by WILLIAM F. CARTWRIGHT, JR., also of Seattle, Wash., of control of such rights and property through the transaction. Applicants' attorney: Tom B. Kretsinger, 450 Professional Building, Kansas City, Mo., 64106. Operating rights sought to be controlled and merged: *Household goods* as defined by the Commission, as a *common carrier,* over irregular routes, between Bloomington, Ill., and points within 25 miles of Bloomington, on the one hand, and, on the other, points in Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, and Wisconsin, between Philadelphia, Pa., on the one hand, and, on the other, points in New York, New Jersey, Massachusetts, Connecticut, Delaware, Maryland, Virginia, and the District of Columbia, between certain specified points in Oklahoma, on the one hand, and, on the other, points in Arkansas, and those in Texas on and north of U.S. Highway 80, between points in Missouri, Kansas, Illinois, Iowa, Arkansas, Oklahoma, Colorado, Indiana, and Tennessee, and those in Nebraska on and east of U.S. Highway 81, between Harlan, Iowa, and points within 15 miles of Harlan, on the one hand, and, on the

other, points in Illinois, Minnesota, Missouri, Nebraska, and South Dakota, between points in Jefferson County, Ohio, on the one hand, and, on the other, points in Pennsylvania and West Virginia, between points in Kansas and Missouri, on the one hand, and, on the other, points in Mississippi, between points in Cowley County, Kans., on the one hand, and, on the other, points in Oklahoma and Texas, between Harlan, Ky., and points within 5 miles thereof, on the one hand, and, on the other, points in Indiana, North Carolina, Ohio, Tennessee, Virginia, West Virginia, and the Lower Peninsula of Michigan, between points in Harlan County, Ky., on the one hand, and, on the other, points in Alabama and Georgia, between points in Harlan County, Ky. (except points within 5 miles of, and including Harlan, Ky.), on the one hand, and, on the other, points in Indiana, North Carolina, Ohio, Tennessee, Virginia, West Virginia and the Lower Peninsula of Michigan, between Detroit, Tex., and points in Texas within 200 miles of Detroit, on the one hand, and, on the other, points in Oklahoma, between points in Florida, on the one hand, and, on the other, certain specified points in Georgia, between Valdosta, Ga., on the one hand, and, on the other, points in Alabama, North Carolina, and South Carolina, between points in Cherokee County, Tex., on the one hand, and, on the other, points in Louisiana and Mississippi, between points in Canadian County, Okla., on the one hand, and, on the other, points in New Mexico, between certain specified points in Alabama, on the one hand, and, on the other, points in Georgia, Mississippi, and Tennessee.

Household goods as defined by the Commission, and *emigrant movables* (except those embraced above), between Newton, Kans., and points within 15 miles thereof, on the one hand, and, on the other, points in Colorado, Nebraska, Missouri, and Oklahoma; *Emigrant movables,* between Harlan, Iowa, and points within 15 miles of Harlan, on the one hand, and, on the other, points in Illinois, Minnesota, Missouri, Nebraska, and South Dakota; and *Household goods,* between Birmingham, Ala., and points in Alabama within 100 miles of Birmingham, not including Montgomery, Ala., on the one hand, and, on the other, points in Alabama, Georgia, Tennessee, North Carolina, Mississippi, Florida, Louisiana, and Arkansas, and between certain specified counties in Nebraska, on the one hand, and, on the other, points in Wyoming and Colorado. CARTWRIGHT, INC., is authorized to operate as a *common carrier* in Washington, Oregon, California, Idaho, Montana, Utah, Hawaii, Colorado, Wyoming, Illinois, Arizona, Massachusetts, Maine, New Hampshire, Vermont, Rhode Island, Connecticut, and New York. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–9744. Authority sought for purchase by RED ARROW FREIGHT LINES, INC., 3901 Seguin Road, San Antonio, Tex. 78206, of a portion of the operating rights and certain property of GALVESTON TRUCK LINE CORPORATION, 7415 Wingate, Houston, Tex., and for acquisition by RED ARROW SECURITIES, and, in turn by LAURENCE WINGERTER, both also of San Antonio, Tex., of control of such rights and property through the purchase. Applicants' attorney: Leroy Hallman, First National Bank Building, Dallas, Tex. 75202. Operating rights sought to be transferred: *General commodities,* except livestock, and except dangerous explosives, liquid commodities in bulk, articles of unusual value, and household goods as defined in *Practices of Motor Common Carriers of Household Goods,* 17 M.C.C. 467, as a *common carrier,* over irregular routes, from Galveston, Tex., to Houston, Tex., from Houston to points in Texas on and east of a line beginning at the boundary of the United States and Mexico near Del Rio, Tex., and extending along U.S. Highway 277 to Abilene, and thence along U.S. Highway 83 to the Texas-Oklahoma State line; *wool* and *mohair,* from points in the above-described Texas territory to Houston and Galveston, Tex.; *cotton and cotton linters,* from points in the above-described Texas territory to Houston, Tex.; *bags, bagging, and ties,* from Houston, Tex., to Amarillo, Tex.; from Galveston, Tex., to points in the above-described Texas territory; *general commodities,* except those of unusual value, livestock, classes A and B explosives, liquid commodities in bulk, household goods as defined by the Commission, and commodities requiring special equipment, from Galveston, Tex., to points in the Houston, Tex., commercial zone as defined by the Commission, except La Porte, Tex., from points in the Houston, Tex., commercial zone as defined by the Commission, except La Porte, Tex., to points in Texas on and east of a line beginning at the boundary of the United States and Mexico, near Del Rio, Tex., and extending along U.S. Highway 277 to Abilene, Tex., and thence along U.S. Highway 83 to the Texas-Oklahoma State line; *canned goods,* from Friendswood, Tex., to Houston, Tex.; and *sugar,* from Sugar Land, Tex., to Houston, Tex. Vendee is authorized to operate as a *common carrier* in Texas. Application has been filed for temporary authority under section 210a(b).

MOTOR CARRIER OF PASSENGERS

No. MC–F–9743. Authority sought for control by THE DENVER AND RIO GRANDE WESTERN RAILROAD COMPANY, 1531 Stout Street, Denver, Colo. 80217, of the operating rights of SAN JUAN TOURS, INC., doing business as GLENWOOD-ASPEN STAGES, INC., El Pomar Building, Broadmoor, Post Office Box 2378, Colorado Springs, Colo. 80901, and for acquisition by G. B. AYDELOTT, JOHN AYER, JR., both also of Denver, Colo., and JOHN EVANS, First National Bank Building, Denver, Colo., of control of SAN JUAN TOURS, INC., doing business as GLENWOOD-ASPEN STAGES, INC., through the acquisition by THE DENVER AND RIO GRANDE WESTERN RAILROAD COMPANY. Applicants' attorneys: Royce D. Sickler and Warren D. Braucher, both of Post Office Box 5482, Denver, Colo. 80217. Operating rights sought to be controlled: Passengers and their baggage and express and newspapers, in the same vehicle with passengers, as a common carrier, over regular routes, between Glenwood Springs, Colo., and Aspen, Colo., over Colorado Highway 82, serving all intermediate points. NOTE: This authority was granted pursuant to order dated January 24, 1967, in MC–128450, by Operating Rights Board No. 1, and the issuance of a certificate of public convenience and necessity in accordance with said order is pending approval of this control application under the provisions of section 5(2) of the Act. THE DENVER AND RIO GRANDE WESTERN RAILROAD COMPANY holds no authority from this Commission. However, it is affiliated with (1) RIO GRANDE MOTOR WAY, INC., 1400 West 52d Avenue, Denver, Colo. 80221, which is authorized to operate as a *common carrier* in Colorado, New Mexico, and Utah; (2) LARSON TRANSPORTATION COMPANY, 1400 West 52d Avenue, Denver, Colo. 80221, which is authorized to operated as a *common carrier* in Colorado; (3) BROWNING FREIGHT LINES, INC., 244 South Fourth West Street, Salt Lake City, Utah 84101, which is authorized to operate as a *common carrier* in Utah, and Idaho; and (4) SITES SILVER WHEEL FREIGHTLINES, INC., 1321 South East Water Street, Portland, Oreg. 97214, which is authorized to operate as a *common carrier* in Oregon, and Washington. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67–5226; Filed, May 9, 1967; 8:49 a.m.]

[Notice 1061]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MAY 5, 1967.

The following publications are governed by Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER issue of April 20, 1966, which became effective May 20, 1966.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

The applications immediately following are assigned for hearing at the time and place designated in the notice of filing as here published in each proceeding.

All of the proceedings are subject to the Special Rules of Procedure for Hearing outlined below:

SPECIAL RULES OF PROCEDURE FOR HEARING

(1) All of the testimony to be adduced by applicant's company witnesses shall be in the form of written statements which shall be submitted at the hearing at the time and place indicated.

(2) All of the written statements by applicant's company witnesses shall be offered in evidence at the hearing in the same manner as any other type of evidence. The witnesses submitting the written statements shall be made available at the hearing for cross-examination, if such becomes necessary.

(3) The written statements by applicant's company witnesses, if received in evidence, will be accepted as exhibits. To the extent the written statements refer to attached documents such as copies of operating authority, etc., they should be referred to in written statement as numbered appendices thereto.

(4) The admissibility of the evidence contained in the written statements and the appendices thereto, will be at the time of offer, subject to the same rules as if the evidence were produced in the usual manner.

(5) Supplemental testimony by a witness to correct errors or to supply inadvertent omissions in his written statement is permissible.

No. MC 30844 (Sub-No. 237), filed May 1, 1967. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commerical, Waterloo, Iowa 50704. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, Colo. 80202. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts,* and *articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except hides and commodities in bulk in tank vehicles), from Estherville, Iowa, to points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and Vermont.

HEARING: May 25, 1967, at Room 401, Federal Office Building, Fifth and Court Avenue, Des Moines, Iowa, before Examiner Charles J. Murphy.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-5227; Filed, May 9, 1967; 8:49 a.m.]

[Notice 380]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 5, 1967.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67 (49 CFR Part 240) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protest must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 28956 (Sub-No. 11 TA), filed May 2, 1967. Applicant: G. P. RYALS, doing business as RYALS TRUCK SERVICE, Post Office Box 634, Albany, Oreg. 97321. Applicant's representative: Lawrence V. Smart, Jr., 419 Northwest 23d Avenue, Portland, Oreg. 97210. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquid fertilizer and fertilizer solutions,* from points in Clark County, Wash., to points in Oregon, for 180 days. Supporting shipper: Shell Chemical Co., 1008 West Sixth Street, Los Angeles, Calif. 90054. Send protests to: District Supervisor A. E. Odoms, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, Portland, Oreg. 97204.

No. MC 52579 (Sub-No. 70 TA), filed May 3, 1967. Applicant: GILBERT CARRIER CORP., 441 Ninth Avenue, New York, N.Y. 10001. Applicant's representative: Aaron Hoffman (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Wearing apparel and materials and supplies* used in the manufacture of wearing apparel, between Fairview, N.J., on the one hand, and, on the other, Gordo and Moundville, Ala., for 150 days. Supporting shipper: Princess Ann Girl Coat, Inc., 520 Eighth Avenue, New York, N.Y. Send protests to: Paul W. Assenza, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 346 Broadway, New York, N.Y.

No. MC 7228 (Sub-No. 33 TA), filed May 2, 1967. Applicant: HOME TRANSFER & STORAGE CO., a corporation, 1906 Southeast 10th Avenue, Portland, Oreg. 97214. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Frozen foods,* from Prosser, Kennewick, Walla Walla, Sunnyside, Yakima, Chehalis, Moses Lake, Quincy, Tacoma, and Seattle, Wash., and Weston, Pendleton, and Milton-Freewater, Oreg., to Portland, Oreg., for storage in transit and subsequent outbound movement to points in California, Arizona, and Nevada, for 180 days. Supporting shipper: North Pacific Canners & Packers, Inc., 5200 Southeast McLoughlin Boulevard, Portland, Oreg. 97202. Send protests to: S. F. Martin, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Building, Portland, Oreg. 97204.

No. MC 102567 (Sub-No. 120 TA), filed May 3, 1967. Applicant: EARL GIBBON TRANSPORT, INC., 235 Benton Road, Post Office Drawer 5357, Bossier City, La. 71010. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Dry fertilizer and fertilizer materials,* in bulk, and *anhydrous ammonia,* from Luling, La., to points in Alabama and Mississippi, and Mariana, Fla., for 180 days. Supporting shipper: Monsanto Co., 800 North Lindberg Boulevard, St. Louis, Mo. 63166, Wallace R. Reed, Transportation Analyst. Send protests to: W. R. Atkins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, T-4009 Federal Office Building, 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 107515 (Sub-No. 572 TA), filed May 2, 1967. Applicant: REFRIGERATED TRANSPORT CO., INC., 3901 Jonesboro Road SE., Post Office Box 10799, Station A, Atlanta, Ga. 30310. Applicant's representative: B. L. Bundlach (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by packinghouses,* sections A and C, appendix I, 61 MCC 209 and 766, from Little Rock, Ark. to Atlanta and Augusta, Ga.; Birmingham, Ala.; Jacksonville, Miami, and Tampa, Fla.; Charlotte, Greensboro, and Kinston, N.C.; and Columbia, S.C., for 180 days. Supporting shipper: C. Finkbeiner, Inc., Post Office Box 1007, Little Rock, Ark. Send protests to: District Supervisor William L. Scroggs, Interstate Commerce Commission, Bureau of Operations, 680 West Peachtree Street NW., Atlanta, Ga. 30308.

No. MC 110525 (Sub-No. 828 TA), filed May 2, 1967. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representative: Edwin H. van Deusen (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Petrolatum,* in bulk, in tank vehicles, from Paulsboro, N.J., to Huntington, W. Va., for 180 days. Supporting shippers: Mobil Oil Corp., 150 East 42d Street, New York, N.Y. 10017. Send protests to: District Supervisor Peter R. Guman, Interstate Commerce Commission, Bureau of Operations, 900 U.S. Customhouse, 2d and Chestnut, Philadelphia, Pa. 19106.

No. MC 114019 (Sub-No. 172 TA), filed May 2, 1967. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Philip N. Bratta (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular

routes, transporting: *Prepared foodstuffs,* from Dover, Del., to points in Illinois, Indiana, Kansas, Kentucky, Ohio, Michigan, Minnesota, and Missouri, for 180 days. Supporting shipper: General Foods Corp., 250 North Street, White Plains, N.Y. 10602. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1086, U.S. Courthouse and Federal Office Building, 219 South Dearborn Street, Chicago, Ill. 60604.

No. MC 117184 (Sub-No. 5 TA) (Correction), filed April 14, 1967. Published FEDERAL REGISTER issue of April 26, 1967, and republished as corrected this issue. Applicant: APEX TRUCKING CO., INC., 330 West 42d Street, New York, N.Y. 10036. Applicant's representative: William Traub, 10 East 40th Street, New York, N.Y. 10016. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Uncrated duplicating, copying, and reproducing machines and accessories, components, and equipment* used in the operation and maintenance of such machines, between Rockleigh, N.J., on the one hand, and, on the other, New York, N.Y., and points in Westchester, Dutchess, Putnam, Rockland, Orange, Ulster, Sullivan, Nassau, and Suffolk Counties, N.Y., for 150 days. NOTE: The purpose of this republication is to show that the above commodities are uncrated, which was inadvertently omitted from previous publication. Supporting shipper: Xerox Corp., J. D. Cruickshank, Assistant General Traffic Manager, Rochester, N.Y. Send protests to: Stephen P. Tomany, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 346 Broadway, New York, N.Y. 10013.

No. MC 120383 (Sub-No. 2 TA), filed May 2, 1967. Applicant: DRUCAS MOVING & STORAGE SERVICE, INC., 1029 Twiggs Street, Tampa, Fla. 33602. Applicant's representative: Joseph F. Mullins, Jr., 1 Farragut Square South, Washington, D.C. 20006. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Household goods,* as defined by the Commission (a) between points in Florida, (b) between points in Florida, on the one hand, and, on the other, the ports of New Orleans, La., and Savannah, Ga., restricted to shipments having a prior or subsequent movement in foreign commerce beyond said ports in containers, for 180 days. Supporting shippers: Northwest Consolidators, Post Office Box 3583, Terminal Annex, Seattle, Wash. 98124, Karevan, Inc., 419 Third Avenue West, Seattle, Wash. 98119, Imperial Household Shipping Co., Inc. 2809 Columbia Street, Torrance, Calif., Routed Thru-Pac, Inc., 350 Broadway, New York, N.Y., and Home-Pack Transport, Inc., 57–48 49th Street, Maspeth, N.Y. Send protests to: Joseph B. Teichert, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1621, 51 Southwest First Avenue, Miami, Fla. 33130.

No. MC 120800 (Sub-No. 7 TA), filed May 2, 1967. Applicant: CAPITOL TRUCK LINE, INC., 2500 North Alameda Street, Compton, Calif. 90222. Applicant's representative: Paul Esacove (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Helium,* liquified and/or gaseous, in bulk, in specially designed trailers, from the Alamo Chemical Co. and Gardner Cryogenic Corp. helium plant commonly referred to as Greenwood Facility located in Morton County, Kans., approximately 25 miles northwest of Elkhart, Kans., to Glendale and San Diego, Calif., for 150 days. Supporting shipper: Gardner Cryogenics Corp., 2136 City Line Road, Lehigh Valley Industrial Park, Bethlehem, Pa. 18017. Send protests to: John E. Nance, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 124078 (Sub No. 274 TA), filed May 2, 1967. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, Wis. 53215. Applicant's representative: Richard Prevette (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Soybean meal,* from Fostoria, Ohio, and Decatur, Ind., to points in that part of Michigan bounded by a line beginning at the Michigan-Indiana State line extending north along U.S. Highway 31 to Ludington, thence along U.S. Highway 10 to Bay City, thence along Michigan Highway 25 to the Michigan-Ohio State line, thence along the Michigan-Ohio State line to the Michigan-Indiana State line to the point of beginning, for 150 days. Supporting shipper: Farm Bureau Services, Inc., 4000 North Grand River Avenue, Post Office Box 960, Lansing, Mich. 48904 (John Youngs, Manager, Transportation Department Wholesale Division). Send protests to: W. F. Sibbald, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 124621 (Sub-No. 2 TA), filed May 3, 1967. Applicant: CLEMENT RISBERG, doing business as RISBERG TRUCK SERVICE, 2339 Southeast Grand Avenue, Portland, Oreg. 97214. Applicant's representative: John G. McLaughlin, Pacific Building, Portland, Oreg. 97204. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk), between Portland, Oreg., and Vancouver, Wash., for 150 days. Supporting shipper: Fred Meyer, Inc., 3800 Southeast 22d Avenue, Portland, Oreg. 97242. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Building, Portland, Oreg. 97204.

No. MC 125844 (Sub-No. 8 TA), filed May 3, 1967. Applicant: BIO-MED-HU, INC., 8603 Preston Highway, Louisville, Ky. 40219. Applicant's representative: Ollie L. Merchant, Suite 202, 140 South Fifth Street, Louisville, Ky. 40202. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Human placentas,* from points in Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Florida, Hawaii, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, Wisconsin, and Wyoming, to Pearl River, N.Y., for 180 days. Supporting shipper: D. H. Benoit, Division Traffic Manager, Lederle Laboratories, Pearl River, N.Y. 10965. Send protests to: Wayne L. Merillatt, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 426 Post Office Building, Louisville, Ky. 40202.

No. MC 127353 (Sub-No. 3 TA), filed May 3, 1967. Applicant: PRESTON FEED & SEED LIMITED, Rural Route No. 2, Preston, Ontario, Canada. Applicant's representative: Frank J. Kerwin, Jr., 900 Guardian Building, Detroit, Mich. 48226. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Grain and grain products, and feed ingredients,* in bulk, in vehicles equipped with auger unloading equipment, under a continuing contract with Maple Leaf Mills Ltd., between the ports of entry located on the United States-Canadian boundary, at or near Port Huron, Mich., and Detroit, Mich., on the one hand, and, on the other, points in the States of Michigan, Illinois, Indiana, and Ohio, for 180 days. Supporting shipper: Maple Leaf Mills Ltd., Post Office Box 370, Station A, Toronto 1, Ontario, Canada. Send protests to: George M. Parker, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 121 Ellicott Street, Room 324, Buffalo, N.Y. 14203.

No. MC 128633 (Sub-No. 2 TA), filed May 2, 1967. Applicant: LAUREL HILL TRUCKING COMPANY, a corporation, 614 New County Road, Secaucus, N.J. 07094. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk), under contract with Trans World Airlines, between Dover, Del.; McGuire Air Force Base, N.J.; Albany, N.Y.; Boston, Mass.; Newark, N.J.; LaGuardia Airport, N.Y.; Kennedy International Airport, N.Y.; Charleston, S.C.; Norfolk, Va.; Washington, D.C.; Philadelphia International Airport, Pa.; Friendship International Airport, Baltimore, Md.; Dulles International Airport, Va.; Hartford, Conn.; Bridgeport, Conn.; New Haven, Conn.; St. Louis, Mo.; and Harrisburg, Pa. Restricted to shipments having a prior or subsequent movement by aircraft, for 180 days. Supporting shipper: Trans World Airlines, Inc., 605 Third Avenue, New York, N.Y. 10016. Send protests to: District Supervisor Walter J. Grossmann, Interstate Commerce Commission, Bureau of Opera-

tions, 1060 Broad Street, Room 363, Newark, N.J. 07102.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-5228; Filed, May 9, 1967; 8:49 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

MAY 5, 1967.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. 2709, filed April 19, 1967. Applicant: BLUEBONNET EXPRESS, INC., 5009 Rusk, Houston, Tex. Applicant's representative: Joe G. Fender, 802 Houston First Savings Building, Houston, Tex. 77002. Certificate of public convenience and necessity sought to operate a freight service as follows: (A) *Basic request:* (1) Amend applicant's authority to transport *general commodities* under old Certificate 2817 to revise the route and general commodities description between Houston and Yoakum so that said certificate will read as follows: "General commodities over the following routes: U.S. Highway 90A via Stafford between Houston and junction of U.S. Highway 90A and U.S. Highway 59; U.S. Highway 59 between Houston, Rosenberg, and Victoria; U.S. Highway 87 between Victoria and Cuero; U.S. Highways 183 and 77A between Cuero and Yoakum, serving all intermediate points along said routes and coordinating the service with service presently being rendered under existing certificates and interchanging freight at appropriate points with other carriers, subject to the following restrictions: The service proposed herein is subject to the following conditions: No service shall be rendered in the transportation of any package or article weighing more than fifty (50) pounds. No service shall be provided in the transportation of packages or articles weighing in the aggregate more than one hundred (100) pounds from one consignor at one location to one consignee at one location on any 1 day."

(2) Amend applicant's authority to transport general commodities under old Certificate 2910 to revise the route and general commodities description so that said certificate will read as follows: "General commodities over the following routes: State Highway 35 between Houston and Angleton via Alvin; State Highway 288 between Houston and Freeport; State Highway 36 between Freeport and West Columbia; State Highway 35 between Angleton, West Columbia, Bay City, Palacios, and Port Lavaca, serving all intermediate points along said routes and coordinating the service with service presently being rendered under existing certificates and interchanging freight at appropriate points with other carriers, subject to the following restrictions: The service proposed herein is subject to the following conditions: No service shall be rendered in the transportation of any package or article weighing more than fifty (50) pounds. No service shall be provided in the transportation of packages or articles weighing in the aggregate more than one hundred (100) pounds from one consignor at one location to one consignee at one location on any one day." (3) Amend applicant's authority to transport general commodities under its original Certificate 2709 to revise the route and commodities description between Houston and Bryan so that said certificate will read as follows:

"General commodities over the following routes: U.S. Highway 290 between Houston and Brenham; State Highway 90 between Brenham and Navasota; State Highway 6 between Hempstead, Navasota, and Bryan serving all intermediate points along said routes and coordinating the service with service presently being rendered under existing certificates and interchanging freight at appropriate points with other carriers, subject to the following restrictions: The service proposed herein is subject to the following conditions: No service shall be rendered in the transportation of any package or article weighing more than fifty (50) pounds. No service shall be provided in the transportation of packages or articles weighing in the aggregate more than one hundred (100) pounds from one consignor at one location to one consignee at one location on any 1 day." (4) Amend applicant's Certificate 2709 to add authority to transport *general commodities* over the following routes:

"U.S. Highway 90 between Houston and Flatonia; State Highway 95 between Flatonia, Shiner, and Yoakum; U.S. Highway 90A between Shiner and Hallettsville; U.S. Highway 77 between Hallettsville and Schulenburg; U.S. Highway 90A between Houston and Hallettsville; U.S. Highway 77A between Hallettsville and Yoakum; State Highway 72 and U.S. Highway 87 between Cuero and Kenedy; State Highway 239 between Kenedy and Goliad; U.S. Highway 59 between Goliad and Victoria; State Highway 71 between Columbus and Austin, restricted against transportation from Austin to Bastrop; State Highways 159 and 237 and U.S. Highway 290 between La Grange and Brenham via Oldenburg and Burton; over State Highway 36 between Brenham and Caldwell; State Highway 21 between Caldwell and Bryan; State Highway 6 between Bryan and Hearne; U.S. Highway 59 between Houston and Nacogdoches; State Highway 185 between Victoria and Port O'Connor; State Highways 238 and 316 between Seadrift and Port Lavaca; State Highways 35 and 172 between Port Lavaca and Ganada serving all intermediate points along said routes and coordinating the service with service presently being rendered under existing certificates and interchanging freight at appropriate points with other carriers, subject to the following restrictions: The service proposed herein is subject to the following conditions: No service shall be rendered in the transportation of any package or article weighing more than fifty (50) pounds. No service shall be provided in the transportation of packages or articles weighing in the aggregate more than one hundred (100) pounds from one consignor at one location to one consignee at one location on any one day." (B) *Alternative request:* (1) Amend applicant's authority to transport general commodities under old Certificate 2817 to eliminate the present rate restriction and revise the route and commodity description between Houston and Yoakum so that said certificate will read as follows:

"General commodities in cartons, packages, articles, and parcels limited to individual shipments not to exceed eighty (80) pounds each in weight over the following routes: U.S. Highway 90A via Stafford between Houston and junction of U.S. Highway 90A and U.S. Highway 59; U.S. Highway 59 between Houston, Rosenberg, and Victoria; U.S. Highway 87 between Victoria and Cuero; U.S. Highways 183 and 77A between Cuero and Yoakum serving all intermediate points along said routes and coordinating the service with service presently being rendered under existing certificates and interchanging freight at appropriate points with any other carriers." (2) Amend applicant's authority to transport general commodities under old Certificate 2910 to eliminate the present rate restriction and revise the route and commodity descriptions between Houston and Palacios so that said certificate will read as follows: *"General commodities* in cartons, packages, articles, and parcels limited to individual shipments not to exceed eighty (80) pounds each in weight over the following routes: State Highway 35 between Houston and Angleton via Alvin; State Highway 288 between Houston and Freeport; State Highway 36 between Freeport and West Columbia; State Highway 35 between Angleton, West Columbia, Bay City and Palacios serving all intermediate points along said routes and coordinating the service with service presently being rendered under existing certificates and interchanging freight at appropriate points with other carriers.

(3) Amend applicant's authority to transport general commodities under its original Certificate 2709 to eliminate the present rate restriction and revise the route and commodity descriptions be-

tween Houston and Bryan so that said certificate will read as follows: "*General commodities* in cartons, packages, articles, and parcels limited to individual shipments not to exceed eighty (80) pounds each in weight over the following routes: U.S. Highway 290 between Houston and Brenham; State Highway 90 between Brenham and Navasota; State Highway 6 between Hempstead, Navasota, and Bryan serving all intermediate points along said routes and coordinating the service with service presently being rendered under existing certificates and interchanging freight at appropriate points with other carriers." It is to be understood from the foregoing that applicant intends to coordinate operations over all routes and all segments of the routes hereinabove described in paragraph (A) "Basic Request" and paragraph (B) "Alternative Request" for which it may receive authority from this Commission. Both intrastate and interstate authority sought.

HEARING: Not yet assigned. Requests for procedural information, including the time for filing protests, concerning this application should be addressed to the Railroad Commission of Texas, Austin, Tex. 78711, and should not be directed to the Interstate Commerce Commission.

State Docket No. MC–3932 (Sub-3), filed April 20, 1967. Applicant: MEADOR'S MOTOR LINES, INC., Bolivar, Tenn. Applicant's representative: Edward G. Grogan, Suite 2020, First National Bank Building, Memphis, Tenn. Certificate of public convenience and necessity sought to operate as a freight service as follows: Transportation of general commodities, except household goods, explosives, commodities requiring special equipment, and commodities in bulk, serving Scotts Hill and Decaturville, Tenn., in connection with all present routes. Both intrastate and interstate authority sought.

HEARING: Friday, July 7, 1967, 9:30 a.m., Commission's Court Room, C–1–110 Cordell Hull Building, Nashville, Tenn. Request for procedural information, including the time for filing protests concerning this application should be addressed to the Tennessee Public Service Commission, Cordell Hull Building, Nashville, Tenn. 37219, and should not be directed to the Interstate Commerce Commission.

State Docket No. MC–4479 Sub-4, filed April 25, 1967. Applicant: KNOXVILLE-MARYVILLE MOTOR EXPRESS, INC., 1910 University Avenue, Knoxville, Tenn. Applicant's representative: Clarence Evans, 710 Third National Bank Building, Nashville, Tenn. 37219. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of general property, except used household goods, liquid commodities in bulk, fly ash, dry cement, and dry fertilizer in bulk, and dry acids and dry chemicals in bulk, (1) between Knoxville and Bristol, Tenn., via U.S. Highway 11W serving all intermediate points, (2) between Knoxville and Bristol Tenn., via U.S. Highway 11E serving all intermediate points, (3) between Sevierville and Greeneville, Tenn., via U.S. Highway 411, (4) between Johnson City and Elizabethton, Tenn., via U.S. Highway 321, (5) between Johnson City and Erwin, Tenn., via U.S. Highway 23, (6) between Knoxville and Newport, Tenn., via Interstate Highway 40, restricted against service at any intermediate point, (7) between Knoxville and Bristol, Tenn., via Interstate Highway 81, using segments of Interstate Highway 81 as they become available, and using such access routes between U.S. Highways 11E and 11W as they may be necessary to make use of segments of Interstate Highway 81, but without providing service at any points in addition to points along the routes set out in (1) through (6) above, (8) between Knoxville and Newport via Dandridge over U.S. Highway 70, serving all intermediate points, (9) from the junction of Tennessee Highway 107 and U.S. Highway 411 at or near Tusculum over Tennessee Highway 107 to its junction with Tennessee Highway 81, thence via Tennessee Highway 81 to Erwin, and return over the same route. With all of the foregoing routes to be used in conjunction with all of the applicant's other operating authority, and with each other. Both intrastate and interstate authority sought.

HEARING: Andrew Johnson Hotel, Ball Room A, Knoxville, Tenn., Monday, June 19, 1967, at 1:30 p.m., e.s.t. Request for procedural information, including the time for filing protests concerning this application should be addressed to the Tennessee Public Service Commission, Cordell Hull Building, Nashville, Tenn. 37219, and should not be directed to the Interstate Commerce Commission.

State Docket No. MT–8636 filed March 16, 1967. Applicant: WILLIAM C. CARD, doing business as CARD TRUCKING, 16 East Elizabeth Street, Skaneateles, N.Y. 13152. Applicant's representative: Edward W. Lavery, 24 Jordan Street, Skaneateles, N.Y. 13152. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, as defined in 16 NYCRR 800.1: (A) Over regular routes: Between Syracuse and Skaneateles as follows: (1) Via N.Y. 175 and U.S. 20, serving the intermediate points of Marcellus, Onondaga Hill, and Card's Corners. (2) Via N.Y. 5 and Jordan Street Road, serving the intermediate points of Camillus, Elbridge, Skaneateles Falls, and Fairmount. (3) Via New Seneca Turnpike, Howlett Hill Road, Split Rock Road, and Onondaga Boulevard, serving the intermediate points of Split Rock, Howlett Hill, Marcellus, and Taunton. (B) over irregular routes: Between all points in the town of Skaneateles and the city of Syracuse. Both intrastate and interstate authority is sought.

HEARING: To be hereafter fixed. Request for procedural information, including the time for filing protests, concerning this application, should be addressed to the Public Service Commission, 55 Elk Street, Albany, N.Y. 12225, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] H. NEIL GARSON,
Secretary.

[F.R. Doc. 67–5229; Filed, May 9, 1967; 8:49 a.m.]

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